tion of the Communist Party of the United States for the Communist Party in Russia.

He pointed to certain language in books and said the very clear language therein meant something else.

We have a right to confront him with material, as an expert, he is supposed to be familiar with it or if he subscribed to that statement.

Mr. Nelson: You asked that and he told you whether he agreed or disagreed. He told you how he started and how he understands it.

Mr. Cercone: This is done in Court every day. A medical witness takes the stand and says that in his opinion a certain injury will lead to certain complications. The cross examining attorney then picks up a book on that subject and [fol. 2189] questions him on that book and asks him whether he agrees with that or not. If the witness says he doesn't know the book and he is asked if he agrees what is therein and he says no or negatively. He does that since the witness has built himself up as having knowledge of the material about which he testified. How else are you going to break down the testimony of an expert witness the Commonwealth believes is lying. An expert witness for the defense may say that a bullet fired from a certain gun will do certain things. He qualifies as an expert on that. Certainly the Commonwealth is permitted to question him to show that the bullet will not do those certain things, and the Commonwealth's attorney may cross examine the defense witness on all phases or knowledge concerning that particular testimony.

Now this witness has testified concerning his knowledge of the advocacy of the Communist Party of the United States. We have a right to confront him with a statement made by the very National leader of his Party. We have a [fol. 2190] right to ask him if he subscribed to that. We are not saying that that is substantive evidence but have a right to ask him.

In the present case the defendant was permitted to cross examine Judge Musmanno about a statement made by Al Capone, about what he thinks of Al Capone. He held a piece of paper in his hand and asked if he subscribed to the statement and Judge Musmanno said, "Tell me what it is."

Mr. Nelson: He didn't have to bite. It wasn't my fault. It is his hard luck.

Mr. Cercone: Musmanno had to answer that.

Mr. Nelson: As I recall the Court didn't say he must answer it.

Mr. Cercone: He asked if he agreed to the statement read to him by the defendant and Musmanno was compelled to answer. Why should this witness who was treating upon the entire subject of Communism during the time he was a member since 1939, not be required to answer questions on the material issue of its case as an expert? He can't plead [fol. 2191] ignorance to it. If he pleads ignorance then he may be asked if he agrees with the opinion or facts stated in the statement with which he is confronted.

Mr. Nelson: May I make this point: I think I know what Mr. Cercone has in mind. He wants to raise a point here that at one time Foster wrote about and later on he stated his position was wrong and rejected that position.

The Court: He is not here to explain and this witness doesn't know anything about it.

Mr. Nelson: I can't see why he, at one time, held one view. I refuse to have you interpret his principles or to discuss them.

The Court: If you want to risk getting a denial that such and such is a policy and on them to have him as a qualified witness you may do so, but I won't let you subscribe to it being a policy of the Party or of the leaders, unless it is shown in evidence or if something is found in this defend- [fol. 2192] ant's possession. I will review it overnight and see if there are any changes in my opinion.

Mr. Cercone:

Q. I show you Commonwealth's Exhibit No. 60, being a letter to the American Workers, written by V. I. Lenin, copywrited in 1934.

Mr. Nelson: When was it printed?

Mr. Cercone: The second printing was in 1935.

The Court: What exhibit number?

Mr. Cercone: No. 60, a letter to the American Workers.

Mr. Cercone:

Q. And direct your attention to that circle. This is a letter to the American Workers for the class struggle and revolutionary times because always inevitably and in every country taken on the form of civil war and civil war is untenable without the worst kind of destruction, without terror and formal declaration or formal democracies and interests of war. That was on page 16.

Does that advocate force and violence, something written by Lenin in 1918, and does it advocate force and violence, for example. Would you answer a simple question?

[fol. 2193] A. If you ask me, if I were off the bank, I could answer yes or no but when you ask about social science I can't answer yes or no.

Q. That particular excerpt there represents force and violence?

A. No.

Q. Now, Mr. Witness, how long have you been in the Party?

A. Since 1939.

Q. Have you held any positions in the Communist Party of the United States of America, any official positions?

A. No.

Q. You have not been a district organizer?

A. I have held no positions in the Party.

Q. And you haven't been on any district board?

A. No.

Q. You haven't been on any National Committee of any kind?

A. No.

Q. You haven't been a member of the National Board?

A. No.

Q. Have you ever been a member of any district Board?

A. No.

Q. Have you ever been in the Communist Party of the United States of Western Pennsylvania from let us say roughly, August, 1948 until August, 1950?

A. A member of the Communist Party of Western Pennsylvania?

Q. Yes.

A. No, I have not.

Q. And during that period of time who were the National officers?

[fol. 2194] A. From 1948 to '50?

Q. Yes.

A. William Z. Foster, Mr. Eugene Dennis, Mr. Gus Hall, Mr. John Williamson and others.

Q. All right. Do you know of any——that is Winnery Winston, he would be in there?

A. Yes, Mr. Winston.

Q. And Bill Davis, Jr., and Calvin Green?

A. Yes.

Q. I am just asking you: do you know whether or not during that time the Party held any classes in school, that is the Jefferson School for anything like that, being Party classes?

A. Yes.

Q. Do you know whether or not, or did you teach at any of those classes?

A. I taught at some classes held by the Party.

Q. Where?

A. At the Jefferson School.

Q. I am not talking about the school, the Jefferson School. I am talking about the classes, the Party held in the whole district?

A. The classes I taught were at the Jefferson School.

Q. But you didn't teach elsewhere?

A. No.

Q. So that you have never heard of anybody teach in any place else except in the Jefferson School. Is that right?

[fol. 2195] A. Of course not.

Q. I mean in the Communist Party, you never heard or never took part in any class work, any class teachings except your work in the Jefferson School?

Mr. Nelson: I think you testified you gave lectures.

Mr. Cercone: Just a minute now.

The Court: Don't interrupt, Mr. Nelson.

A. I taught classes of the Communist Party at, and call them classes which I taught of the Communist Party were taught at the Jefferson School and I lectured there.

Q. That is all, thank you.

The Court:

Q. The distinction of lecturing and teaching?
A. No, sir.

Mr. Cercone:

Q. I may ask you just one question—of course you do get paid for your teaching?
A. No.
Q How do you make a living?
A. I am paid as editor for Masses and Mainstream.
Q. As editor for Masses and Mainstream?
[fol. 2196] A. Yes.
Q. You say you don't get paid for teaching?
A. Not at the Jefferson School, no, sir.
Q. Is that a full time schedule?
A. I each four classes, an hour and a half each—what does that add up to, six or eight hours?
Q. A week?
A. Yes.
Q. You are paid as editor for Masses and Mainstream?
A. Yes.
Q. A monthly wage?
A. Weekly wage.
Q. And your wage is going on now, is it?
A. Yes, I hope so.
Q. Now you testified here concerning the Constitution of the Communist Party of the United States and you said that it was based on the ideas of certain individuals and you told us about Ruttenberg?
A. Yes.
Q. Did you mention the fact that Ruttenberg had spent time in Sing Sing Penitentiary?

Mr. Nelson: That is objected to. If it did happen it happened 30 years ago.

The Court: The objection is overruled.

[fol. 2197] A. Do you want an answer?
Q. Yes.
A. To the best of my knowledge. The testimony I gave. I said that he had gone to prison but I don't believe I

named the prison. That could be checked, I assume, of what I said.

Q. You said his body was shipped to Russia and buried in the Kremlin—did you know that?

A. I am not certain I know that, no.

Q. Now you say you are associated with Masses and Mainstream and you wrote this article on Korea here?

A. That is right.

Q. I direct your attention to this sentence on page 11, that is Commonwealth's Exhibit No. 43?

A. Yes.

Q. You said, and I quote: "Yes, for every tortured Korean Patriot, for every violated Korean woman, for every famished Korean child, the American ruling class, the American Government is guilty." Do you agree with that statement?

A. Yes, I agree with that statement. That is mild compared to what language Lenin said about the Mexican War.

Q. And of course this cartoon appears in the midst of that story?

A. That is right.

Q. And you gave approval to that?

A. Probably so. I can't say so definitely. I am not the art editor.

[fol. 2198] Q. You say that, that for every tortured Korean patriot, for every violated Korean woman, for every famished Korean child, the American ruling class, the American Government is guilty." And isn't that holding the American Government in hatred and contempt?

A. The American Government? This is a synanom.

Q. You say it is not holding the United States in contempt and hatred?

A. No.

Q. You say for every famished Korean child you say the American Government is guilty. Do you say that isn't quoting the American people up to ridicule and hatred?

A. Just exactly the contrary.

Q. Why?

A. Because that article clearly associates.

Mr. Cercone: That is objected to. That is improper.

Mr. Nelson: Let me have what you are reading?

A. This article clearly disassociates the American people from the other group.

Q. You mention the American Government?

A. Yes.

Q. What is the American Government?

[fol. 2199] A. It is basically the instrument of the ruling class.

Q. That is what you Communists say?

A. Yes, it is my belief.

Q. You say it isn't holding the American Government in hatred and contempt?

A. It is just the opposite. I said here it is mild to what the language was said about the Mexican War, or do you remember of the other great patriots?

Q. Nor did I remember the advocating and overthrow of the American Government?

A. Nor do I.

Q. What circulation does this book have? Is it just circulated in the United States or outside?

A. An International periodical and it is all over the world.

Q. So people all over the World read that sentence?

A. Of course. It is basically of course an American magazine.

Q. All right. I show you Commonwealth's Exhibit No. 158 found in the Communist Headquarters, under the control of Steve Nelson, a newspaper called "For Lasting Peace, for a People's Democracy," and I direct your attention to this article.

A. Do you want me to read the whole article?

Q. Just look at it, it isn't that long.

The Court: Is that an exhibit?

Mr. Cercone: Yes, that is Exhibit 158, dated August 4, 1950.

[fol. 2199a] A. All right, I have glanced at the article.

Mr. Nelson: Your Honor, I object to this procedure. If I was a lawyer he would show me the thing. He is treating me like I have no rights in that.

The Court: Anytime you want to see anything just ask the Court and it will be granted.

Mr. Cercone: You know the paper better than I do. There are many editions you have sold and circulated it all over the place.

The Court: There are many editions and I don't know what copy you have, Mr. Cercone.

Mr. Cercone:

Q. All right now, I read what you said in this newspaper: "American generals are trying to 'excel' one another in the maltreatment and barbaric annihilation of Korean women, the aged and the children. The name of the bloodthirsty Walker—a war criminal and the hangman of the Korean people—will indignantly be granded by everyone in the world. Being in command of the U. S. land forces [fol. 2199b] in Korea, he ordered all peaceful citizens to be driven behind the lines of the American Army and their houses to be destroyed as the Hitlerite troops did in their time. All who show unwillingness to leave with the American Army, Walker orders to be shot on the spot. Over three thousand of the non-combatant population, over three thousand peaceful citizens were shot in the towns of Pyongtaek, Chonju, Suwon and Unsang."

Do you know who he is?

A. Yes.

Q. The head of the forces in Korea and was killed there?

A. Yes.

Q. And the body was taken back here and laid to rest in the Arlington Cemetery?

A. Yes—it was laid to rest in the hero's cemetery.

Q. It was laid to rest in the hero's cemetery?

A. That is right.

Q. And you say that isn't holding the people of the United States and the United States Government in hatred and contempt?

A. No. It is not. Read the sources quoted and what the New York Times said.

Q. In one place: "In one sense, that Wonsan, American savages destroyed a rest home with 170 of its inmates &

hospital and a railway polyclinic where many sick and doctors were killed." "When the U.S.-British imperialists [fol. 2200] launched their intervention in Korea they reckoned on a lightening victory which would have enabled them to make a slave of the Korean people, and transform the Korean peninsula into a military outpost for unleashing war against the camp of Socialism and democracy."

Q. You say that isn't holding the United States Government up to hatred and contempt?

A. By declaring it an unjust war?

Q. You say it is not hatred and contempt?

A. It is citing things much milder made in a report in the New York Times and the Tribune what is done in Korea. It doesn't hold up to contempt the American people.

Q. Isn't it true you Communists are doing it?

A. I am not doing anything. You know I have nothing to do with that paper.

Q. Does this hold the United States Government up to hatred and contempt?

A. No, it does not.

Q. This about General Walker being in command of the United States Land Forces in Korea, he ordered all people, citizens to be driven behind the lines of the American Army and their houses to be destroyed as the Hitlerites troops did in their time. Would you say that it holding the American Government up to contempt?

A. This is what has been reported by Look magazine and the Saturday Evening Post, and if the American people would appreciate the atrocity required in an unjust war it [fol. 2201] would help in a move to call a halt to this merciless and unjust war.

Q. You say it isn't holding it up to hatred and contempt?

A. It is not.

Q. I show you the political affairs magazine found in the Communist Party of the Western Pennsylvania, under the control of Steve Nelson—Exhibit No. 98, and reads an excerpt on page 10?

A. I have read it.

Q. Of August, 1950?

A. Yes.

Q. And I quote: "In Korea the people have had the opportunity to witness the liberating role of the Soviet Army as contrasted with the chauvinist enslaving role of the American military authorities."

You say that isn't holding the United States up to hatred and contempt?

A. No, it isn't.

Q. Now then the Political Affairs——

A. Did you tell the Jury about what period that is being written?

Q. This is written in August, 1950?

A. That paragraph you just read to what has it reference?

Q. To what?

A. The paragraph just read, what period?

Q. What period does it have?

A. That is important to know. It is important for the jury to understand.

[fol. 2202] Q. It is June 28th, isn't it?

A. That has reference to the prior beginning of present hostilities.

Q. It hasn't any difference?

A. It does.

Q. It still ridicules the United States.

A. It doesn't.

Q. What difference does it make? When it criticizes the United States and praises the Soviet Union?

A. Certainly it makes a great deal of difference.

Q. All right, now you say——

Mr. Cercone: Your Honor, may we have a side bar?

The Court: Come forward.

Mr. Cercone: Here is a series of questions I would like to ask here. He says there is no connection with the Communist Party of Russia and I would like to ask a question if that is so, is there any reason why the Communist Party members would refuse to ask this kind of question.

The Court: Who refused?

Mr. Cercone: The defendant.

[fol. 2203] The Court: When?

Mr. Cercone: In 1946.

The Court: It is not in the realm of cross examination.

Mr. Cercone: I have a few more questions and maybe we can hold him until tomorrow morning for another problem.

Mr. Cercone:

Q. Now getting back to this one problem in here—you stated that the Communist Party intends, or does the Communist Party intend to achieve its objective by election?

A. Fundamentally, yes, it does.

Q. Now I show you Problems of Leninism, Exhibit 58—now on page 22, Problems of Leninism, written by Joseph Stalin, this was found in the Communist Party's headquarters: "The class which has seized political power has done so conscious of the fact that it has seized power alone. This is implicit in the concept of the dictatorship of the proletariat. This concept has meaning only when one class knows that it alone takes political power into its own hands, and does not deceive either itself or others by talk about popular, elected government, sanctified by the whole people." (Collected Works, Vo. XXVI, p. 286, Russian edition.)

Q. Does that exemplify the Communist Party's program which achieves its objectives by means of election?

[fol. 2204] A. That has no reference to that and is an illustration. It points out the majority character.

Q. Not through election?

A. Yes.

Q. That is what you say?

A. Yes, that is right.

Q. Do you subscribe to this statement—"No Communist, no matter how many votes he should secure in a national election——

Mr. Nelson: Where is this from and let us see where it is from?

The Court: That comes within the class of questions of the admissibility and I told you I would rule on it tomorrow morning.

Mr. Cercone: We will refrain until tomorrow morning.

The Court: Yes, and ask the witness to remain subject to cross examination and then if you are through cross examining you may resume direct examination or withdraw him.

Mr. Nelson: I have another witness who may be brief [fol. 2205] on another matter.

(Witness withdrawn.)

Mr. Cercone: I would like to have an offer at side bar.

The Court: All right. We will ask you to make an offer.

Mr. Nelson: I want to show that the books that are on trial here have been available and are available in the usual places, libraries and other places and I just want to ask a few questions about that.

Mr Cercone: That is objected to as self-serving.

The Court: The objection is overruled.

Mr. Cercone: This is something like the case where a man is charged with the murdering of the wife.

Mr. Nelson: There is no murder here.

The Court: The jury is entitled to know all about the [fol. 2206] books. The objection is overruled. You may proceed.

Herman E. Sayer, called by defendant, having been first duly sworn, testified as follows:

Direct examination.

Mr. Nelson:

Q. What is your name?
A. Herman E. Sayer.
Q. Where do you live?
A. 5521 Claybourne Street, Pittsburgh 32.

The Court:

Q. Your occupation?
A. Investigator.
Q. For whom?
A. Carnegie Library of Pittsburgh.

Mr. Nelson:

Q. Are you at the present time employed for the Carnegie Library, sir?
A. I am, yes, sir.

Q. And in the capacity of investigator, is that what you said?

A. Yes.

The Court:

Q. You are on a subpoena here today?

[fol. 2207] A. Yes.

Mr. Nelson:

Q. Have you brought the books that I asked for to be brought?

A. There are 18 books in that box you asked for. I believe there are four or five that were not in or we didn't have circulating copies. We found the reference copy, but there are a few we didn't have the reference copies of and couldn't supply those.

Q. And therefore, you brought those you had on hand and you couldn't bring those that weren't in the library?

A. That is correct.

Q. Can we open those now?

A. You can.

Q. I believe we will be able to do it without untying these, so I will just ask you a few questions—amongst those books you do have the Communist Manifesto, do you not?

A. I believe so.

The Court: Would it be better for him to read a list of the books he has here.

Mr. Nelson:

Q. You have on exhibit in the library, have you not, and amongst these books Carl Marks, the Communist Manifesto by Carl Marks and Frederick Engles and is called No. 331M 4383?

A. That is right.

Q. And you have also Foundations of Leninism, have you not, by Joseph Stalin and it is exhibited?

[fol. 2208] A. I don't believe it is there.

Q. But you have it in the library normally?

A. We keep it in the library normally, that is correct.

Q. And do you recall whether or not you have here Lenin, State, and Revolution?

A. No, I don't have that there either.

Q. But you do have it in the library?

A. That is correct.

Q. I don't have to give the numbers—you have them?

A. Yes.

The Court:

By having it in the library I presume you mean the public has free access to it?

A. Correct.

Mr. Nelson:

Q. And you have The Twilight of Capitalism by William Z. Foster?

A. Yes, sir.

Q. That is Exhibit 19 of this trial?

A. Yes.

Q. And you have Socialism and Eutopia by Frederick Engles?

A. It is not there but in the library.

Q. And you have The Dictatorship of the Proletariat by Lenin—do you recall having that?

[fol. 2209] A. Yes, it is there.

Q. Do you have a book by Stalin "Marxism and the National Question"?

A. Yes, sir.

Q. That is Exhibit 80 in this case.

A. Yes.

Q. Have you a book by Carl Marx, Wage, Labor and Capital?

A. I am afraid it is not in this group.

Q. Exhibit 81 is here.

A. Yes.

Q. Have you another pamphlet by the same author, Marx, Value, Price and Profit?

A. That is not there but we have it in the library.

Q. Do you have a pamphlet, War of National Liberation by Joseph Stalin?

A. Yes.

Q. Do you have a pamphlet by V. I. Stalin called "Will the Bolsheviks Retain State Power"?

A. Yes, it is there.

Q. Do you have copies of magazines known as "Masses and Mainstream" for the year 1950?

A. Yes.

Q. I believe it is a bound copy, is that right?

A. That is right.

Q. Do you have a magazine known as Political Affairs for the year 1950?

[fol. 2210] A. Yes, bound also.

Q. Twelve copies of that?

A. Yes.

Q. Do you have Lenin's Many Works by Lenin which goes under the heading of Collected Works?

A. Yes, sir.

Q. You have several of those?

A. Yes, quite a few.

Q. Do you recall whether you have copies of The Soviet Constitution?

A. Yes, sir, it is there.

Q. Do you have a pamphlet called Towards the Seizure of Power by Lenin?

A. I am afraid it is not there.

Q. But you do have it?

A. Yes, sir.

Q. And do you have one by Marxism called Liberalism, which is Exhibit 70 in this trial, Marxist and Liberalism?

A. Yes, sir.

Q. Well, are these books available to the public generally in your library?

A. They are.

Q. They are displayed like any other books people may want to read or people ask for specifically, they can get them?

A. That is correct.

[fol. 2211] The Court:

Q. By circulating do you mean take them out or keep them there and read them in the reference room of the library?

A. That is correct.

Mr. Nelson:

Q. And do you know whether or not that is the practice of most libraries in the United States with reference to these books— can you get them at the New York City Library, Fifth Avenue and Forty-Second Streets?

A. I couldn't answer that question because I am not familiar with the New York Library, that is all.

Mr. Nelson: Cross examine.

Cross-examination.

Mr. Cercone:

Q. Mr. Sayer, your library doesn't attempt to edit the contents in any way?

A. Before they are published for the library?

Q. That is, what is the policy on the selection of the book?

A. They are usually read by a committee.

Q. Then they are published and in circulation?

A. Yes.

Mr. Cercone: That is all.

[fol. 2212] The Court: You may take the books back if you wish. Is there any need for them?

(To both Counsel.)

A. No.

The Court: That is all. Witness excused.

Mr. Nelson: Can we approach the bench.

The Court: Come forward.

Mr. Nelson: I would like to ask Mr. Cercone whether or not he could resume after recess, after a reasonable recess now, because he would prefer if he got through with him now and I don't want to prolong it too long.

The Court: Why persist in asking this witness some statements made by somebody else outside the courtroom. If they are available and admissible you don't have to have them confronted by this witness. All you can ask is an opinion about the policy of it. I don't know why you would need to have to establish those facts. In other words,

[fol. 2213] whether there was no force or violence or connection with Soviet Russia. In order to rebut him maybe you can offer other testimony. Why prove it by him? Why prove it by him when you know he is going to deny it?

Mr. Cercone: But I would end my cross examination with permission to call him back tomorrow.

The Court: He wants to get back to New York tonight.

Mr. Nelson: Yes.

The Court: I still persist in my position on it as to whether or not it is admissible at all. All you can use this witness for is to confront him with those statements.

Mr. Cercone: On rebuttal can I ask about it?

The Court: Yes, but you brought it out on direct. You set it up originally there was a connection and this fellow says there isn't.

[fol. 2214] Mr. Cercone: That is why I would like to rebut his testimony by a rebuttal witness. That is the only purpose, whether or not Foster said it.

The Court: What if Foster did say it?

Mr. Nelson: What if he denied it later on and said he was wrong? I can't do it and I would have to get him here and it is impossible.

Mr. Cercone: Do you think we have enough?

Mr. Nelson: You have 160 books and pamphlets in evidence.

The Court: You can't cross examine him about a statement Foster made and the book isn't here or found in the possession of the defendant.

Mr. Cercone: If I found a citation giving us the right to it I would be glad to. He could study over the night. He stayed over the week-end.

Mr. Nelson: You don't care how much money you spend. You are spending public money and keeping the stool [fol. 2215] pidgeons in the hotels. I have to put a man up and do the best I can. I may not get through that today. I don't know.

The Court: If you can submit the book referred to and he knows about it and he can say he doesn't know Mr. Foster made statements contrary to what he is testifying but when he says he doesn't know anything about and he doesn't know of any other statements made by Mr. Foster. I don't think

you can confront him on certain things Mr. Foster said elsewhere that he is not acquainted with.

The book set forth and certified by Foster is available and as such as a text book or a book on medicine and you can ask the witness if he knows about the technique or the authority or something else and he says no, then you will have to identify that book as a recognized book of the subject by somebody else before you can read on it. If he says it is a book generally adopted then you can ask if the theory contained in the book is contrary.

[fol. 2216] Mr. Cercone: Lots of times on cross examination you can take an expert in fact and ask if he subscribed.

The Court: You could ask him in this fashion: do you know of so and so's theory of uniting policies by this process or that process and he says no, well then, you can't go beyond it and call on the expert to establish that he has approved of united policies.

Mr. Cercone: I thought I could ask if he subscribed to certain statements.

The Court: That is as far as you can go.

Mr. Cercone: We will complete the cross examination right now, with the permission if he goes beyond today we can ask him.

The Court: If there is you can recall him.

The Court: Any further cross examination of Dr. Aptheker?

Mr. Nelson: I want to call Dr. Aptheker.

[fol. 2217] Dr. Aptheker, recalled.

The Court: Redirect examination of this witness?

Mr. Nelson: Yes.

Redirect examination:

Mr. Nelson: Now because it was difficult for me to line up these questions I will more or less have to follow the pattern that was set here in the cross examinaiton.

Mr. Nelson:

Q. Now in the cross examination here you were asked a question about the eleven Communist leaders and the ques-

tion was what they were charged with and what they were found guilty of. Would you explain the distinction that you drew from the way the prosectuion inferred as to why they were tried and involved in the case?

Mr. Cercone: We object to any opinion.

The Court: He has the right to an opinion. Overrule the objection and answer the question, Doctor?

A. Well, the first point there is in terms of individually [fol. 2218] repeated names and giving the impression that they were eleven different trials and eleven different findings by eleven different juries.

Mr. Cercone: We didn't give that impression. I asked if he knew them. At any rate there was such an impression it was inaccurate and I object to the interpretation.

The Court: There was only one trial?

A. Yes, sir. The second point is that as the prosecutor first put the question how to his being corrected, he indicated that they had been charged first of all with attempting the overthrow and then he changed that to advocating the overthrow.

Mr. Cercone: That is whatever the charge was.

A. And then he changed it to conspiring, advocating and teaching when he was forced to, indicating this, that there was no difference.

The Court: You are going a little different in inferring what the questions are. You may explain the difference. First, you said you knew of no knowledge or force by communism and now admit you knew of that trial, and are [fol. 2219] asked if that alters the statement previously made.

A. It doesn't, sir, but I want to imply myself, not what Mr. Prosecutor said. I said there was no difference in the charge. I meant there was.

Mr. Cercone: It is a matter of argument and it is not to be given to the jury.

The Court: There was a conspiracy to overthrow the Government by force and violence?

A. Even in the charge there is no overt act indicated. I want further to make the point that, not only is there no overt act indicated but they are not charged with advocating or teaching that. They are not charged even by the Government with conspiracy to advocate and teach. In other words, the third one is important in terms of understanding even the charge. The significance of that is an added, because in terms of a conspiracy charge——.

Mr. Cercone: I object to the interpretation of the law.

The Court: This witness is explaining why. He is explaining the reason for the statement. Go on, Doctor.

[fol. 2220] A. And the point about the conspiracies is that in order to prove that, because it is a charge of conspiracy, the actual presence of the defendant, even in terms of advocacy is not necessary.

Mr. Cercone:

Q. That is actual presence of the defendant?

A. Of the defendant, and that is why and the nine, and one of the defendants was mentioned a single time, Mr. Pollack; (Polart); because there isn't any deed involved in the charge but depends on what somebody else did and he heard in terms of the organization, not in terms of the defendants at all, and the guilt by association made possible of the conspiracy is further knowledge in the nature of the indictment. This is the point I had in mind when I was trying to insist on this with Mr. Cercone. Furthermore, in the terms of the point, not only does this help to resolve the apparent contradiction which Mr. Cercone had me in, and I said, "Communists do not advocate force and violence."

Mr. Cercone: I object to his argument to the jury.

The Court: The objection is overruled.

A. Not only is this part of the explanation but I have two other things in my mind when I say this. The first thing is that miscarriages of charges and false findings of juries. [fol. 2221] Sometimes the best juries in the world are unheard of.

The Court: I will limit you on that explanation of why you don't know, is supposed to be because you are not bound

by the finding of the jury and still did not know of any overt act on the force and violence.

A. I want to dissent to the opinion.

The Court: It does't matter what happens afterwards. It is what you know. Did any of the men convicted advocate force or violence?

A. In my point no. This is what I have in mind.

Mr. Nelson:

Q. Now while you went into this question, both in the direct and the cross examination—I must ask you the question again. Under what circumstances was the book "State and Revolution" written?

A. —

Mr. Cercone: That is objected to as repetitious, your Honor.

Mr. Nelson: You brought it up.

The Court: It is redirect and if other phases need ex-
[fol. 2222] plaining we will allow the witness to explain.

Mr. Nelson:

Q. Exhibit 20, Exhibit No. 20 of the Commonwealth—under what circumstances was this booklet written?

A. It was written under the circumstances of a person in a dilemma, by a man in exile. It was written where there were no Democratic rights or Democratic liberties.

Q. It was written by Lenin in exile?

A. That is right.

Q. Exiled where, do you recall?

A. He was in exile.

Q. And what was its main purpose, or what was it written for at that time?

A. The main purpose of this organ is to assist in the effort of the vast masses of the people of Russia living under the intolerable dilemma of the Czar and in the midst of a war which was causing millions being killed in the First World War.

It is written by a great political fighter for freedom and democracy, this is an effort to bring freedom and democracy to the people under the Czar State or the tryanny.

Q. Do you mean by that, Doctor, he wrote the book?

Mr. Cercone: That is objected to.

The Court: The objection is overruled. Answer the question.

[fol. 2223] A. For the purpose of giving an idea of the Party's views were in reference to the way they had to make the next stage in the development to socialism. He advanced the program to that in his book.

Mr. Cercone: That is objected to.

The Court: The objection is overruled.

A. At that ime, that was in 1917.

Q. In fact, opposition Party leaders were exiled and declared illegal?

Mr. Cercone: That is objected to.

The Court: He is qualified as a Communist on Marxist authority. I don't know if that establishes the history of Russia or the World generally, does it not?

A. My persuasion is that of a historian.

The Court: I will permit you to answer.

A. It is written at a time of tryanny. It is written at a time when the Democractic rights were absent and have been absent, as anyone knows anything about the history in Russia. It is at the time there was no organization of trade unions or anything like that.

[fol. 2224] Mr. Nelson:

Q. And then he was suggesting a road, isn't that a true remark, Lenin suggesting a road out of that War and ending Czarist' tryanny by establishing Marxism?

A. That is correct.

Q. And because there was no right to establish the matters he advanced a program that the majority of people would have to establish to become helpful if the Czarists like it or not?

A. Nothing to prevent it, because the Czarists' government was a government of terror against the people. There were no rights to the whole business of government by the

people didn't even come up. There was no question about it. This was a tryannical government. Nobody raised the question of what it would permit. It did permit imperialism and assination.

Q. So the importance of the pamphlet "State and Revolution" as immediately written was written for a specific situation existing, existing in Russia?

A. Yes, it is correct.

Q. And insofar as the answer to the question pertaining to Russia, other people could read it as a historical document and take it as they wish and apply it to their own country?

A. That is correct.

Q. And Marx and Lenin don't apply?

A. No.

Q. In other words, where there is a right such conditions [fol. 2225] don't come up as — came up in Czarist Russia?

A. Certainly not. That is why we lead in the fight to preserve such freedom. That is why we want to preserve and extend them.

Q. Now then there was a question put to you regarding the Jefferson School of which you teach, you stated you teach four different subjects?

A. Yes, sir.

Q. What subjects do you teach?

A. I teach the history of the American People. I teach the History of Europe. I teach a course entitled "The Philosophy of History" which is an effort to present the Marxist view. Also a similar group which is entitled to historical research. In that course I attempt to help guide the students as to the methods of historical investigations. The way of evidence of the libraries available and of the needs at the present time in the field of history.

Q. What are some of the other courses taught in the Jefferson School?

A. There are scores of courses taught from the school building. It is a large school and maybe there are hundreds of courses, I am not sure how many we have. We have a course on the American History and the Trade Union Movement and such courses—imperialism and the Negro people and the Negro questions; painting, cartooning, dancing or philosophical works, such as I teach, philosophy or

history or current events in the Soviet Union, the Korean country; a course devoted to the West Indies. It is a large school and there are dozens of courses of all kinds.

[fol. 2226] Q. What does the school specialize in, anything in particular?

A. I would say.

Q. What do you mean by that? In what way does it differ if it must, from other schools that you know of?

A. Well, basically, where such is applicable it is a point of view, a Marxist point of view and its concern which is reflected of that outlook, it is of all mass movements and the mass democratic activity, such as the labor movement or political struggles for democratic rights. It is that type of history. The history of labor organizations. I would say this is the distinctive character of that school as compared with other educational institutions.

Q. Do you have an extensive library in that school?

A. Yes, thousands of volumes.

Q. Besides the Marxist book on trial do you have other books in use in that school?

A. Yes, sir, thousands of books of all kinds.

Q. People read all books that throw a light on a particular subject they want to bring out?

A. Certainly. For example, my course in American History there is an outline which students get so they can follow up the course and with the outline is a list of books and magazines they should read. I am sorry I don't have it with me but it is in that biography. There are dozens of books referred to like Charles Beard, McMaster and so on. That is typical of our school.

[fol. 2227] Q. You state it is a Marxist School but has books being Un-Marxism as well?

A. Yes, it has.

Q. Would I be correct to say that the Marxist books make up the material available. Is that a correct statement?

A. Yes, that would be correct.

Q. Still it is known as a Marxist School?

A. I think that is true, yes.

Q. Well, since the school carries the name of Thomas Jefferson, in what way does the Jefferson idea come up in connection with the school?

A. In many ways. First of all, in certain of the courses and certainly in the group dealing with American History and, of course, the name of Thomas Jefferson in our country's history is explained and dealt with. Whether one agrees is another question but the fact Jefferson has been a giant in our history which is a fact no one can deny or wants to deny in the teaching of history, for example. In the terms of Jefferson as I tried to convey it in the direct testimony, as being a great democrat, as being a leader in the American Revolution and as being a man who fought against the elements and unjust wars, and this is the tradition we are cherishing. And I think in that sense, I think the Jefferson School has a very apt name.

Q. So the reason for that name is not that you have just one group about Thomas Jefferson, is it?

A. No.

[fol. 2228] Q. And nobody ever tried to convey that idea until the prosecution suggested the idea?

A. Yes. I have never heard that before.

Q. Now the prosecution raised the point that Aaron Burr advocated revolution of this count-y and you disagreed with him. What is your position and the Communist' position of that?

Mr. Cercone: May we approach the Bar just a second? It is not on this question.

The Court: Come forward.

Mr. Cercone: This seems like sur-rebuttal.

The Court: It is repetitious.

Mr. Cercone: I don't think it is material and should be restricted. I cross examined him and now you are trying to rebut it. The statements are wrong as part of the evidence.

The Court: He is more fully explaining some of the things you emphasized. How much more of it is there? A lot of it is repetitious.

Mr. Nelson: I am not going into that. I have no chance to prepare.

[fol. 2229] The Court: What is the difference? This witness is going out of town and he doesn't want to hold him here. You may proceed.

Mr. Cercone: I want to object to the statement about Aaron Burr.

The Court: The motion is overruled. Proceed.

The Court:

Q. What is your position about Aaron Burr?

Mr. Nelson:

Q. I mean the way it was brought out here?

A. The point I was objecting to what Mr. Prosecutor was saying, was that he made Aaron Burr out to be a revolutionist and was trying to indicate that Thomas Jefferson arrested him. Didn't he? He failed and did not succeed. What he did get at is that Aaron Burr was the leader, not of a revolution, but was the leader of a counter-revolution which is precisely the point. That is, he did not seek the extension of democratic rights and freedom; he fought a recession or going back to monarchy. It is because he was a counter-revolutionist that he wanted to go backward instead of forward. He didn't try to take the message to the people and tried to persuade them. He acted secretly with a [fol. 2230] small clique or handful of people. He gathered in arms what he thought was reactionary, and he thought not in mass operations and exactly the opposite. That substance substantiates the report of the reactionary force and violence, the fact they don't go to the people because of the quality they wanted. He wanted a monarchy, therefore, he turned to a small group, to force and violence, a revolutionist. Thomas Jefferson had him arrested. It had no mass support at all.

The Court:

Q. That is the same theory, Doctor, I suppose, as the Southern Slavists, as being counter-revolutionists under Lenin?

A. That is what I tried to explain when you asked that question.

Mr. Nelson:

Q. So now there was a statement made here that the Communist Party of the United States and the Communist Party of the Soviet Union and other countries were together in one organization known as the Communist International. When did that type of set-up end so far as you know, Doctor Aptheker?

A. To the best of my knowledge, 1941.

Q. Does that mean that Communists in the United States interest ceased to have a World outlook on or International view?

A. No. It is a part of a working class, or working classes' outlook.

Q. What do you mean by that? Would you explain it, please?

A. Well, I mean in essence, for example, what Lenin meant. He said that the closest bond uniting people other [fol. 2231] than the family should be the bond of the Working people of the World. I mean by that that to me and other Marxist-Leninist a true patriot is an Internationalist, because the needs and aspirations of the mass of the plain people of the World are basically the same. It doesn't clarify substantial rights and we insist this implies to all people everywhere. That is *is* a common explanation and that is what we mean by our Internationalism.

Q. Isn't that part of the reason why Communists are opposed to unjust wars?

A. Yes, that is the reason why, certainly.

Q. Is it not a fact that their contention is if it is wrong to be murdered it is also wrong to murder the other fellow. Isn't that right?

A. Yes, that is right.

Q. Now the prosecution raised a point in here from Exhibit No. 50—I am not going through it now—the words were attributable to Eugene Dennis.

The Court: Before you go into this I think we will give the jury a recess at this time.

(Recess.)

[fol. 2232] Dr. Aptheker recalled.

Mr. Nelson:

Q. Now the Prosecution brought forward the quotation from ideas they cannot jail by Eugene Dennis, that is Exhibit 67. Are you familiar with this booklet?

A. Yes.

Q. What is its main import. Will you briefly state the fact since we haven't gone into this before?

A. Its main import is the statement of the position of the Communist Party of the USA on curent questions stated by the general secretary of the Party and the essence of the volume is indicated in its entire ideas, "They cannot jail" —that is the conviction of the author of the book, that he is representing the defense of civil liberties and the defense of the right of liberal or Negro people and the defense of the right to opposition to unjust wars. That these are his own ideas and while a peasant expresses the ideas might be jailed and the ideas in his opinion be true, they cannot be extended, be jailed, a man who has ideas. That is, I think, a fair synopsis of the volume.

Q. In it Mr. Cercone quoted a statement to the effect in calling for peace that there should be no war against the Soviet Union, and the direct quote is the USSR—is there another country. What do you understand him to mean when he states that?

[fol. 2233] A. Here Mr. Dennis has reference to the fact of the nature of the Soviet Union. That is not his view as he expresses in the book and in the Party in which he is a leader, that in that country the elements of the private ownership as production, you have an arrangement, the exploitation of man by man. It is a socialist country.

Q. When you say an element, the exploitation of man by man, what do you mean by that. I know it is a brief statement in the language of political economy. What do you mean in a proper way? Basically it means eliminating the fact because a small group, as we call here, as we probably have here, monopolists, owned the means of production, or a small group owned the land which produces things people eat and wear. Because of that ownership they employ and hire people in our society who, in order to live, work for those who own the means of production. The profit derived by the owners of the means of production is the difference of the workers, what the workers actually produce and what is paid. That is the basic definition of profit.

In other words, one person owning the means through that ownership requires another who doesn't own, requires him to work for him. It is an exploitation benefiting one and exploiting the other. That is what is meant—socialism, the socialism element exploits, exploitation of man by man.

Q. Do you mean in the Soviet Union a man can't have a factory in which he has people who work for him and benefit individually?

A. That is correct.

[fol. 2234] Q. What profit is made is derived by the people in common through the State. Is that right?

A. That is correct.

Q. So when Dennis states it is not just in other countries, he means by that it is an attempt to establish a new system and not established before and is moving forward. That is our contention, is that right?

A. That is right.

Q. Now the Prosecution asked you a question, who is George E. Dimitrov was. You answered briefly that he was Premier of Bulgaria at the time of his death. What history is he known for in the pre-war history of Europe?

A. I should say he is best known by whole humanity, which knows him as the man who defied Hitler, the Nazi Government at the Reich trials in 1933 and he was a leading defendant at the time the Nazis framed the burning of the Reichstag and tried to place this on the shoulders of the Communists. And it is fair to say he earned the admiration of all progressive humanity by his courage in defending himself at that time.

He also was a leader in the struggle against Fascism throughout the World and I would say that one of his other great contributions was his leadership for the United Front idea. The uniting of the United Front to pull the strong Communists and non-Communists in order to resist the coming into power, the pistol Fascist monster. He also lead during the war its underground resistance mostly in [fol. 2235] Eastern Europe in support of the Allies and in support of the Soviet Union when the actual war broke out against Hitler and Mussolini.

Q. Another pamphlet was shown to you by the Prosecution, the Soviet Spirit and I believe you stated you were not familiar with it in detail but you know about it to some extent. Did you know the author of the book, Harry F. Ward?

A. Yes.

Mr. Cercone: I object to anything about the contents.

Mr. Nelson:

Q. Did you know Dr. Ward?

A. Yes, I know him personally. I know his work. Dr. Harry F. Ward is an elderly man; Professor Emeritus at the Theological Seminary of Columbia University. He is a man well in his 80's by now.

Q. And this book was written during 1944, during the time we were at war against Hitler and the Soviet Union was our ally?

A. Yes, and that is why I missed reading it at the time, too.

Q. You were somewhere else at the time?

A. Yes.

Q. You were in the war yourself at the time and probably missed it for that reason, is that right?

A. That is correct.

Q. You were asked whether you read an article called "Cold War in the Classroom." I think you answered yes. What is meant or what does that article deal with?

[fol. 2236] A. It was actually a pamphlet, Mr. Nelson, which was shown.

Q. It has been mentioned.

A. It is a pamphlet by Dr. Samuel Sillen. He had been a professor at the University of Wisconsin and New York University and he is now chief editor for Masses and Mainstream.

Q. He is one of your associates?

A. Yes. He wrote in this pamphlet about the effect of the cold war and the repression of civil liberties, the effect of that upon freedom of students and teachers in our universities forming, such as provoked much controversy by Mr. Fine and so on. Many people have written about Royalty. What is the effect and teaching them? That is the effect in the classroom and it is a descriptive pamphlet.

Q. It calls for what?

A. The end of such repression and witchdom, and a greater freedom to teach in the schools.

Q. We have gone through some of these but since it has been raised the second time by the Prosecution I want to ask you again just briefly regarding the question of Com-

munist attitude toward elections as a means of advancing toward socialism. Is that or is it not the view of the Communist Party of the United States, that so long as democracy exists and there is a chance to advocate the advance of socialism freely, that the election is one of the most important means by which that should be brought to the [fol. 2237] masses of the people?

A. It is the fundamental means.

Q. That is the position of the Communist Party of the United States, is that right?

A. That is right.

Q. All right, the question was asked whether you are getting wages from the work done on Masses and Mainstream?

A. Yes.

Q. Do you get paid for the Masses and Mainstream?

A. Yes.

Q. Do you get $34 a day like the Prosecution witness was testifying for editing?

A. No.

A My take home pay is under $60. It is about $58.50 or something like that.

Q. Is anyone paying you for testifying here?

A. No, on the contrary.

Q. Now the question was raised here again about Charles E. Ruttenberg, why he went to jail. Did you have any intention of skirting the issue on why he went to jail? What is your position on that question?

The Court: He mentioned it but he didn't give the details.

[fol. 2238] Mr. Nelson: Inference, it is a crime for a man to go to jail for principles.

Mr. Nelson:

Q. Why did he go to jail?

A. As I stated in direct, the fundamental reasons for the imprisonment of Ruttenberg, as was public knowledge, was his opposition to the First Imperialist War which he felt to be an unjust war.

Q. And it is true, a lot of people thought that war was needless and only the big munition makes made money out of it, but that was four or five years later it became true?

A. I think it was true and even asserted by Mr. Wilson in 1919.

Q. What did he say?

A. Mr. Wilson said in 1919 that the basic cause of the war was for commercial supremacy. He said that in statements.

Q. And therefore, opposition to the war wasn't because it was the opposition to the war alone but because of the munition makers making money out of the war?

A. Basically.

Q. His opposition was the same as Debs.

A. Yes, Debs went to prison because he defended him, Ruttenberg. That was the occasion of his imprisonment.

Q. Now regarding the article you wrote in Masses and Mainstream on the Korean question. You wrote that article, did you not, to call attention to the American people that that is an unjust war and we should not be in [fol. 2239] it; we should not send our troops over to fight in a needless war. Is that right?

A. That was the purpose and intent of the article.

Q. What is the American people to do to overthrow the Government because they disagree with the policy of the administration?

A. No. I told them to do what I stated, to write to the President of the United States, the Senators, Congressmen and *and* to urge the reversal of the policy and to have the troops withdrawn and urge the people to tell their neighbors and to express themselves that they feel that way.

Q. And your opposition was based on the grounds the policy could be changed in a democratic way?

A. Certainly it can be changed.

Q. And you still believe that?

A. I do.

Q. Isn't it a fact that there are writers and authors who went along with the war at the beginning but now think it is a mistake?

A. Yes, I think that is a mistake. Many people, not only authors, many people have offered an opinion.

Q. So they are not traitors because they oppose that policy?

The Court: You are calling for a conclusion.

Mr. Nelson: These people are going to overthrow the Government whatever the opinions are.

[fol. 2240] The Court: Argue to the jury, gentlemen.

Mr. Cercone: You are trying to fool the jury.

Mr. Nelson: I object to him chastising me in front of the jury. I am fighting the case as best I know how.

Mr. Cercone: You are telling people you don't have ideas and you have dozens of them.

Mr. Nelson: The Court knows I have ideas but——

The Court: Do you want to include me in the trial or try it yourself? If you want to include me direct your remarks to me. If there is any violation you can make your remarks to me and I will be glad to rule on it. Proceed.

Mr. Nelson:

Q. What is your comment on the question, on the point raised here by Musmanno, the prosecution witness, that the books you have written which were found in the head-[fol. 2241] quarters of the Communist Party are Un-American or don't deal with American questions? Would you comment on that, please?

Q. That is an absurd and ridiculous and a false statement. Every book I ever wrote dealt with my country, the United States of America. The very titles of the book, anyone looking at the books—they are history books, the history of the Negro people in the United States and other books dealing with the United States.

Q. When you criticize the Southern Slave Owners in these books and their opposition to the Government, you consider that a very important contribution to American thought, don't you?

Mr. Cercone: Your Honor, I would like to have a side bar on this.

The Court: Are they books found in the headquarters?

Mr. Nelson: Most of them. And when I cited books, the Negro and the Civil War and the Negro and the Abolitionist Movement, the Negro Slave Revolt in the United States, then Judge Musmanno's comment was that they were books speaking disrespectfully of the United States.

[fol. 2242] The Court: I only asked a question. Are the books referred to found in the Communist headquarters?

Mr. Nelson: I don't know. Some are.

Mr. Cercone: Which ones?

Mr. Nelson: I will show it to you on the exhibit list.

The Court: Any of them offered in evidence?

Mr. Nelson: I haven't, your Honor. I can do it at this time.

The Court: Well, if they are books that were found and you think important to the consideration of the jury, they may be considered along with the others.

Mr. Nelson: Yes. I am glad you called my attention to it.

(Defense Exhibit T marked.)

Mr. Nelson: The Negro in the Civil War, marked 53 on your first list. The Negro in the Abolishionist Movement, Exhibit 180. I may have skipped some but I don't want [fol. 2243] to delay this too long.

Mr. Nelson:

Q. So that most of the books you have written, Doctor, deal with the history of the United States and you specialized in subjects dealing with the Negro question generally, isn't that right?

A. Yes, that is correct.

The Court: Maybe I misunderstood you. I thought you were getting them out to give to the jury.

Mr. Nelson: These that were seized at the headquarters I intended to do that with those, and I have no special way of making use of the others and since they came from the library I don't want to introduce them at this time.

I could introduce these, Exhibit C to Y inclusive.

Mr. Nelson:

Q. Now, Doctor, do any of these books that you have written, do they advocate force and violence to overthrow the Government of the United States by force and violence?

A. No.

Q. Do they suggest the overthrowing of the Government [fol. 2244] of the State of Pennsylvania?

A. No.

Mr. Nelson: Can we have five minutes, your Honor, and approach the bench before we have this break?

The Court: Yes, come forward.

Mr. Nelson: I haven't had a chance to go over all of the questions but I believe I have covered most of them and don't want to repeat if we get through now—what is your ruling—the man can leave?

Mr. Cercone: I have the right of rebuttal.

The Court: Yes, there are a lot of things that may need questioning.

Mr. Nelson: I have one or two things.

The Court: Take five minutes and be as short as possible.

Mr. Cercone: Your Honor, I would just like to make a formal objection based on the decision in the New York case as given in an opinion by Judge Learned Hand, where [fol. 2245] he said that the material did not constitute to violence and force was not admissible since it was self-serving and had no materiality on and to stick to the issue of the case.

Mr. Nelson: I don't know that was said.

The Court: I don't care what he said. I am going to let the jury have everything in that book store.

Mr. Nelson:

Q. In these writings that were quoted here which are critical of the Government policies or in these books which may be critical, do you consider that a wrong thing to be critical of policies when we think that they are wrong?

A. Unless one is critical of that which he feels is wrong there can be no improvement, no progress there and there can be no change. All progress, all advance or reform has come because somebody has criticized that which exists and he didn't like.

Q. So that efforts to stiffle that criticism is wrong in your opinion, isn't that right?

A. Such efforts are anti-democratic and anti-progressive and are wrong and are unjust, certainly.

Q. And the right to criticize has always been known, a known thing, an important part of our democracy, isn't that right?

[fol. 2246] A. Yes, one of the most precious parts.

Q. And when the right to criticize is gone what happens to democracy?

A. It is killed, it is curbed.

Q. There were other people besides Communists who in our history complained against the curbs or criticism?

A. Our history is filled with such protests and such things are in our greatest histories.

Q. What are the greatest outstanding things in history, since you are a historian, which indicates the criticism of what we are trying to bring out?

Mr. Cercone: That is objected to. It is objected to as immaterial.

The Court: Argue to the Jury. It is not the issue. I will explain to the Jury what is permissible. That isn't the issue here.

Mr. Nelson: Your Honor, I contend that it is.

The Court: As I outline the issue to the Jury you correct me if I misstate it and take exceptions.

Mr. Nelson: All right, that is all.

[fol. 2247] Cross-examination.

Mr. Cercone:

Q. Is your Jefferson School listed among the accredited schools of the country?

A. Is it what; is it listed what?

Q. As among the accredited schools of the country.

A. Do you mean for academic credit?

Q. Yes, is it listed in the American Accredited Association of the United States?

A. No.

Q. It is not accredited?

A. No.

Q. In other words, it is not—may I put it this way, you say it was organized in what year?

A. I didn't say and I am not sure. I am not positive, it is several years.

Q. Well, can you approximate the year. I would prefer the year?

A. I would approximate 1945, but I may be wrong, a year or two either way and I am not sure.

Q. I think I saw in your biography 1944; but I don't know. It is in there?

A. I can't argue about a year.

Q. Do you know who organized the school?

A. Who organized it?

Q. Yes.

[fol. 2248] A. No, I don't know who organized it.

Q. Do you know whether they are members of the Communist Party?

A. No, I don't know that.

Q. You don't know and wouldn't say yes or no on that?

A. No.

Q. Who are some of the members on this staff in this school?

A. Who teaches there, do you mean?

Q. Yes.

A. Do you want to let me have the catalog and then I will refresh myself.

Q. Yes. I thought you would know that.

A. Teaching at this school, at least in the Fall of 1949, were people like Samuel Sillen, Doctor Howard Selden, they are listed here.

Q. Is he a member of the Communist Party?

Mr. Nelson: That is objected to.

The Court: I think you are going far afield. The activities of the school aren't involved here. It is rather descriptive of the place. This witness taught there and we have been through his analysis of these things, that is, the fashion in which they are taught. I don't think the matter of his association is important.

[fol. 2249] The objection is sustained.

Mr. Cercone: We want to get to the one question on that.

Q. Teaching at your school is self-serving, is it not, in that it teaches——

Mr. Nelson: That is objected to. What do you mean?

The Court: The objection is sustained.

Mr. Cercone:

Q. Do you know what the song of the Communist Party of the United States is, its symbol, the song it has adopted as its song?

Mr. Nelson: That is objected to.

The Court: The objection is overruled. Exception noted. Does the Communist Party of the USA have a song?

A. Not to my knowledge.

Mr. Cercone:

Q. Now in your Communist Party program do you consider Imperialist Wars unjust, is that right?

A. Yes, that is right.

Q. When a country does enter an Imperialist War?

[fol. 2250] Mr. Nelson: Your Honor, I don't know my right on the question but to what extent can he go into these matters now? We have gone through these questions and I didn't want to go into them on recross.

The Court: You can object as repetitious. And we have been through the Imperialists and Capitalists and so far as this witness there is no need of prolonging it unless you want to develop something not already developed.

Mr. Cercone:

Q. Imperialist War is considered an unjust war?

A. Yes.

Q. And if a nation in which the Communist members lives is engaged in an Imperialist War they come to do everything to defeat that nation, is that right?

Mr. Nelson: That is objected to. Do you want the answer given?

The Court: The policy of the Party of the USA, the Communist Party, under such circumstances, if you know what is its expression?

[fol. 2251] A: It isn't what the Prosecutor said.

The Court: Restate the question.

Mr. Cercone:

Q. Let us start out—if a country in which the Communists reside is engaged in an Imperialist War, you consider that an unjust war. Is that right?

A. Yes.

Q. And in that country that is engaged in an Imperialist

War, is that where you advocate the bringing on of civil war?

A. No.

Q. That is what I want to know?

A. No. That is what I said.

Mr. Cercone: No further cross examination.

The Court: Is that all?

Mr. Cercone: Yes.

The Court: That is all?

Mr. Nelson: I want to know if the Court would like to adjourn at this time.

The Court: Come forward.

(Jury recessed until tomorrow at 9:30.)

[fol. 2252] Tuesday, January 22, 1952.

Morning Session

GEORGE SEIBEL, a witness called on behalf of the defendant, having been duly sworn, testified as follows:

Direct examination.

Mr. Nelson:

Q. What is your name, sir?

A. George Seibel.

Q. Where do you live, sir?

A. 601 Clyde Street, Seventh Ward.

Q. Is that the North Side?

A. No, I had to move away from the North Side, sold the house.

Q. What is the work that you do, sir?

A. I am the Head Librarian of the North Side Carnegie Free Library.

Q. And as Head Librarian do you take care of renting of the halls, the various halls to organizations and people?

A. Yes, I do. I am the rental agent for this City.

Q. How long have you had that responsibility or that job?

A. 12 years.

Q. Well, in the course of the 12 years that you have been in charge of the North Side Carnegie Library, do you recall [fol. 2253] at any time renting a hall to the Communist Party of Western Pennsylvania?

A. Yes, I do. In fact, the hall had been rented to them for ten years before I came there, that I know, as far back as '32. So, when I took charge I followed the old custom.

Q. Do you know any particular individual whom you presumed to be a member of the Communist Party that came and rented the hall from you?

A. Only one, Mr. Dolsen. He always asked for them.

Mr. Cercone:

Q. Do you know his full name?

Mr. Nelson:

Q. Do you know the man's first name?

A. I'm not sure—was it Stephen?

Mr. Cercone:

Q. Was it James Dolsen?

A. I may have it down here—no, I haven't got his first name but he came in so often.

Mr. Nelson:

Q. Did he, Mr. Seibel, when he rented a hall from you, did he tell you it was for the Communist Party?

A. Yes, although we didn't need to ask him, we knew—I knew when Dolsen appeared on the scene that that was what he was after.

[fol. 2254] Q. He didn't, as far as you know, when he came up, he didn't try to hide the fact that he was renting the hall for the Communist Party, did he?

A. Oh, no, no.

Q. And do you happen to have a recollection as to whether or not he rented a hall from you in the Summer of 1948, sometime during the month of July or August? Do you recall that?

A. I don't remember the particular date.

Q. You don't have any papers that would refresh——

A. No, we have the records over in the library but I'd have no personal recollection of that but I know he would come about every three or four or five or six months.

Q. And he rented the hall. No questions were asked about it, you would rent the hall to him?

A. They had done it since '32; that was before my time, before Dolsen's time.

Q. I'm sorry I didn't ask you to bring the records.

A. They are very bulky and nothing of importance is in there except the dates and the amount paid.

Mr. Nelson: If the Court please, I am wondering if I could, for the purposes here, not have the man recalled again but could we get a letter from him stating that the hall was rented during the month of July, if it was?

[fol. 2255] The Court: Maybe the District Attorney knows about it or will stipulate to that fact.

Mr. Cercone: I think Mr. Cvetic testified——

Mr. Nelson: He testified about the meeting and I think that the only question here is whether or not that particular meeting was rented by Mr. Dolsen for the Communist Party. I would like to have that straightened out.

A. What happened at that meeting?

Mr. Nelson:

Q. It was a convention, Mr. Seibel?

Mr. Cercone: That is objected to as to what happened.

Mr. Nelson:

Q. I presume you wanted to know to refresh your recollection as to what type of a meeting it was?

A. Yes, sir.

Mr. Nelson: If the Court please, and if Mr. Cercone has no objections——

[fol. 2256] The Court: I think that would be satisfactory, would it not, if Mr. Seibel certify after returning to his office——

Mr. Cercone: That there was a meeting?

The Court: —That there was a rental in July of 1948. Would that be agreeable to you?

Mr. Cercone: Absolutely, your Honor.

The Court:

Q. Will you verify, Mr. Seibel, whether or not the Communist Party rented the assembly hall or the meeting hall of the North Side Carnegie Library in July of 1948?

Mr. Nelson: It was the lecture hall, sir.

A. Well, whenever Dolsen came in we knew that that was Communist Party business. He is the only man that I ever knew. I don't think I ever met you.

The Court:

Q. If it shows Dolsen or the Communist Party, let us [fol. 2257] have any rentals to either one.

A. I will address that to you?

Q. Yes, you may address it to me.

Mr. Nelson: That is all.

The Court: Any cross-examination?

Mr. Cercone: No, thank you, Mr. Seibel.

The Court:

Q. You will have that delivered sometime today?

A. It will be in the mail. Shall I send it over or put it in the mail?

Q. If you have a messenger, send it over, or if not, call me and I will send over for it.

[fol. 2258] Benjamin L. Careathers, a witness called on behalf of the defendant, having been duly sworn, testified as follows:

Direct examination.

Mr. Nelson:

Q. What is your name, sir?

A. My name is Benjamin L. Careathers.

Q. Where do you live?

A. I live at 71 Lafferty Avenue, Pittsburgh.

Q. That is what part of the City?

A. Pittsburgh 10; that is the South Hills.

Q. How long have you lived in Pittsburgh, Mr. Careathers?

A. I lived in Pittsburgh 36 years.

Q. Where did you come from when you came to Pittsburgh?

A. Chattanooga, Tennessee; the South.

Q. Is that where you were born, sir?

A. That is right.

Q. And this is the only place you lived up North the biggest part of your life?

A. The biggest part of my life; I lived at a couple of other places for short periods.

Q. What was your education, Mr. Careathers?

A. Well, my education—I presume you mean by that question the extent of my schooling?

[fol. 2259] Q. That is right.

A. I had no formal schooling; that is, during my childhood and adolescent days I did not go to school. I have studied since then— I guess you would say quite extensively. That was all, however, without any formal schooling.

Q. You never went to a public school down South?

A. No, I never went to public schools.

Q. What is your occupation?

A. My occupation, I am an upholsterer by trade, however, I am not employed at that at this time.

Q. Do you have a family?

A. Yes, I have a family.

Q. Any children?

A. I have three children; one daughter and two sons.

Q. I presume they are grown up, are they?

A. They are all grown up.

Q. Were the sons in the Service in the last War?

A. Yes, both of my sons were in the Service during World War II.

Q. Now, since you have been in the City of Pittsburgh for a long time I presume you have been active in various organizations, have you?

A. I have.

Q. What community organizations have you been active

in, Mr. Careathers? I mean by that the organizations that exist in the community where you live in the City of Pitts-
[fol. 2260] burgh.

A. Well, I have been active in such organizations as the National Association For The Advancement of Colored People; The Citizens' Co-Ordinating Committee of Greater Pittsburgh; such organizations as the Negro Business and Professional Men's Association; the Allegheny County Committee Against Discrimination; The Workers' Council, which was an organization of negro building trade mechanics, which had for its objective the securing of employment of negro building trade mechanics on the Federal Housings which were being constructed in Pittsburgh or perhaps some others, I can't think— I can't remember.

Q. Were you active in any unemployed organizations?

A. I was active during the early thirties. That was the period of the unemployed crisis. I was active at that time in the Unemployment Council of Allegheny County. Incidentally, I was the County Secretary of that Organization.

Q. That was in the early thirties?

A. The early thirties—'32, I believe it was, and perhaps '32-'33, I think—I'm not just exactly sure on that point.

Q. What was this Allegheny County Council against Discrimination that you speak of?

Mr. Cercone: Your Honor, may we have a side bar on these for just a moment?

The Court: All right.

[fol. 2261] (At side bar.)

Mr. Cercone: Your Honor, I think the activity of this witness is incompetent, immaterial and irrelevant. I think it's all right to say he belonged to the Organizations but I don't know that it's proper to go into the activities of the organizations.

Mr. Nelson: I don't intend to go into it much. I just want to establish the man's identity and what things he has been doing; what type of a man he is.

Mr. Cercone: I don't think that is in the issue here, your Honor. I don't think he has to explain that.

The Court: I think if he is going to qualify as an expert on these matters——

Mr. Nelson: On local activities. You put in a paid agent to testify and he distorted and lied about what I did and what my organization did, and I want to show, through the activities of this man and others, that I may be able [fol. 2262] to present, what we really did do here so the people can form an honest opinion as to what my objectives are; what I do.

Mr. Cercone: I don't think he could be allowed to bring other witnesses——

The Court: I think he can. He certainly can by anyone who knows, who is familiar with his activities but I grant you that I am not going to let him elaborate too much on his association, as to other activities, to incur any prejudice or sympathy but——

Mr. Cercone: It's all right to show that he belonged to it but I don't think it's right to go into all the activity of the organizations.

The Court: Well, they may not know anything about this by name. I will permit him to say the general purposes of each organization but not beyond that.

Mr. Cercone: I agree on that.

[fol. 2263] Mr. Nelson: While we are here, Mr. Cercone made an attack in open court against me. He raised the question of my having attorneys and caucusing with them or whatever the term he used may be. I think that that was very prejudicial, a very prejudicial thing to do, to speak so in open court and he didn't address himself to the Court at that time. I was talking to your Honor at the time and I failed, I failed to make a motion which I want to make now. I want to make a motion now that you order a mistrial and withdrawal of a juror because that is a very prejudicial thing to make and he knows better and he did it deliberately in order to prejudice my case, make it harder for me to conduct this fight as well as I can without being a lawyer; not having the legal experience.

The Court: I recall the incident, the altercation, in which I stated that if you gentlemen included me in it I will settle it and rule on it. You both were engaged in heated remarks, one towards the other, and I was compelled to step aside.

[fol. 2264] Mr. Nelson: Let me call your attention to this.

I object to Mr. Cercone reading out of documents without showing them to me. I thought that that was an elementary courtesy that a man ought to show. He knows what is done in a trial and I said, "If I were an attorney you wouldn't treat me this way, you probably would let me have these things but in view of the fact that I'm not, you're trying to get away with things." That's how he come to reply to me and I felt your upholding of him was not fair, your Honor, in that situation.

The Court: Many of these do arise, these altercations that it's sometimes very difficult to distinguish which is the provoker and which is not and I have rather been inclined to hesitate to try to distinguish in many instances who does provoke each altercation so that I think the jury by this time understands the heat which is involved here in the emotions and will not properly charge either side with any intentional misconduct or to prejudice their case and that [fol. 2265] is the attitude that I have been taking on the matter so I think that with the understanding that I have and the jury's observations and understanding which they should have, that it is not cause for a mistrial at this stage of the proceeding. I will overrule your motion and allow you an exception.

(End of side bar.)

The Court: Limit yourself in asking the witness, concerning these organizations with which he is affiliated, just to state the major purposes of the organizations rather than any details of his participation.

Mr. Nelson:

Q. Will you, Mr. Careathers, explain briefly the purposes of these organizations that you have been in, as you have given them? Let's start off with The National Association For The Advancement of Colored People. I believe that was the first one you mentioned.

A. I think the name of the Organization more or less depicts the purpose of it.

It had or has for its objective of advancing and improving the conditions of the negro people. It was organized

[fol. 2266] primarily around the question of the lynching of negro people which took place in the Southern part of this country in the early stage of the organization. However, it did not limit itself to taking up that particular question. Other questions of the oppression of the negro people, Jim Crowing of negro people; the question of rioting against the negro people; and questions of that kind. General questions of that kind, of the oppression of the negro people; it concerned itself with those questions.

In Pittsburgh I was first attracted to the National Association for the Advancement of Colored People because at that particular time it was conducting a campaign for the rights of negroes to teach in the public schools in the City of Pittsburgh when we were denied that privilege at that time.

Q. How long ago was that?

A. That must have been thirty years ago; I don't remember exactly, something like that.

Q. That is the first. And what was the next organization you mentioned? I believe you mentioned The Citizens Co-Ordinating Council of Pittsburgh.

A. The Citizens Co-Ordinating Committee of Greater Pittsburgh. That was an organization organized during the early stages—the early period of the Second World War. It had for its objective conducting campaigns and struggles for the rights of negroes to become a part and participate in industry; to work in industry. Some of the [fol. 2267] campaigns which it conducted was with the Dravo Ship Building Corporation, the Westinghouse, the Pittsburgh Railways Company. It took up with those organizations the necessity and the procuring of work for negroes; for them to be a part and to work in these industries without discrimination.

The Court:

Q. Was that sort of an early movement along the same line as the FEPC?

A. It was an early movement, as the FEPC, and incidentally it was President Roosevelt's executive order, sometime after that, which brought into existence the Fair Em-

ployment Practice Committee. This employed for its objective the same purposes.

Mr. Nelson:

Q. And then I believe you mentioned the Negro Business Men's Association. Will you briefly comment on that?

A. That was an organization of negro business and professional men. It had for its main objective the question of promoting negro businesses and securing opportunities for negro professional persons; to secure employment in their professions. I think that says it in brief.

Q. Then, you had an Allegheny County Council Against Discrimination. Was that an outgrowth of the first or what was that?

A. That wasn't exactly an outgrowth of the first. That organization was organized—I don't just remember when [fol. 2268] it was organized, but it was organized because of the fact of the extensive or the great discrimination against negro people in employment in the City and County governments and employment in other industries in the City, like the department stores and so on which at that time or which still do, deny negro sales people opportunities to work and it has for its objective the conducting of a campaign around these issues; to secure employment in those fields, and as I said, in the City and County governments and other industries in the City, as well as against the discrimination against negroes in the use of public facilities, like parks, swimming pools et cetera, which they were and still are discriminated against in the use of.

Q. And this Allegheny County Council was a quite recent organization, was it?

A. I would say——

Q. I mean, how far back does it go?

A. I would say five or six years. I don't know exactly but in that period.

Q. For my purpose that is sufficient. What was this Workers' Council you mentioned? Was that the full name?

A. Workers Council, that is the full name.

Q. That was the building trade workers?

A. Yeah. That organization was under the sponsorship of The Urban League, of which I was the Vice-Chairman of

that organization. It had for its objective the securing of employment of negro building trade mechanics, especially [fol. 2269] around the question of the construction of the Federal Housings, which took place in—I think in '36 or '37 or maybe '38—I don't know exactly but during that period.

That organization drafted and adopted a resolution calling for a certain number of negro building trade mechanics to be employed on the basis of a penalty to contractors who would secure contracts or had to agree to employ that number and incidentally such resolution was sent to every authoritative person in the country that we could think of and The National Housing Authority adopted such a principle in its program and I understand that was carried out to more or less nationally, the principle of the resolution, which the Workers Council adopted here and, as I said, that was an organization that was under the sponsorship of the Pittsburgh Urban League.

Q. Then I think the last one you mentioned was the Unemployed Organization that you were Secretary of in the County. Just briefly, what was its purposes and what did it do?

A. Well, the Unemployed Council was organized during the unemployed period in the early '30's. It had for its objective the improving of conditions of the unemployed.

It petitioned the Government for relief, for better relief, a better system of relief against evictions. One of the central campaigns which was conducted by the Unemployed Council was to petition the Government to provide money, which it was not doing at that time, to pay the rents of the [fol. 2270] unemployed who were unable to pay and on the basis of that, they were being evicted and in many instances they had to resort to organizational activity to prohibit the eviction, which at the same time placed a burden on the small landlord, property owners, and on the basis of that it took up the question of petitioning the County Government and so forth for an appropriation to pay the rents of the unemployed, which it was successful in securing during that period.

Q. You say "and so forth", you mean the County Government and State Government and Federal Government?

A. That is right.

Q. You don't mean to limit it to the County?

A. No, no, it wasn't limited to the County.

Q. While you were active in these organizations were you known as as Communist? Were you known in these organizations, in any of those, that you were a Communist?

A. Well, I was known in all of those organizations to be a Communist. I never hid that; I never made any attempt to hide that and it was very well known.

Q. And it goes back quite a few years?

A. Quite a few years; over a long period of years.

Q. When did you join the Communist Party, Mr. Carcatliers? Was that in Pittsburgh, while you were in Pittsburgh?

A. That was in Pittsburgh.

Q. Well, does that go back to the early '30's?

[fol. 2271] A. About to the early '30's; during the '30's.

Q. And why did you join the Communist Party?

A. You asked one question——

Mr. Cercone: I would like to object to that.

The Court: I think the personal reasons for joining is properly objectionable; objection sustained.

A. Shall I answer the question, when did I join?

The Court:

Q. You may answer the question, when you did join, but your personal reasons for doing so, I don't think are relevant here, for decision in this matter.

A. I joined the Communist Party in 1929, I believe it was.

Mr. Nelson: Well, your Honor, I believe the question I asked would throw a little light. I don't intend to go into it much but at least I would like to have this witness give his reasons why he joined. Did he join to overthrow the government by force and violence? That's what I want to know.

[fol. 2272] Mr. Cercone: I object.

The Court: That's not what he intended. What he joined for, the policy of the Party; the purpose of the Party during the period of the indictment and your intentions con-

cerning your activities—so what he intended doing when he joined I think is beyond the realm of our inquiry.

Mr. Nelson: I want to take exception to your ruling.

The Court: We will enter an exception.

Mr. Nelson:

Q. Well, then, were you a member of the Communist Party during the period of this indictment, since we can't go back to the period of your activity before?

The Court: You can explain the policies of the Party and all that but his personal reasons was what I was ruling out.

Mr. Nelson: I see. I didn't understand that.

[fol. 2273] A. Are you prepared to state the period of the indictment?

The Court: Yes. July 19, 1948 to July 19, 1950.

A. I was.

Mr. Nelson: I'm sorry, your Honor. I had October 31st.

The Court: The indictment covers July 19th and over a two-year period. I may be confused on that.

Mr. Nelson: That was extended. There was a motion made extending it.

Mr. Cercone: August 31st, your Honor.

The Court: The Information I think was July 19th so the period of the indictment would probably be extended a little bit. Wait until I check. The indictment alleges that on July 19th or a period prior thereto but I think there is a motion which amends the indictment to read from August 31st to two years prior. Let's assume that it's [fol. 2274] September 1st, 1948 until August 31, 1950.

Mr. Nelson:

Q. Mr. Careathers, since you have been active and been a member of the Party during the period covered by this indictment, I presume you have attended conventions of the Communist Party of Western Pennsylvania?

A. I have.

Q. And you are acquainted with documents and resolutions passed at those conventions, in a general way?

A. I am more or less acquainted with them in a general way.

Q. Do you recall whether you attended—or didn't you attend the convention that took place around the 10th of July, 1948 in the Carnegie Library on the North Side?

A. I remember attending the convention, I can answer that, yes, but I don't exactly remember the date; I think it was sometime in July, I don't remember that exactly.

Q. Were you a delegate to that convention?

A. I was.

Q. Do you recall what was taken up at that convention, just one or two highlights to refresh your recollection or our recollection here? Do you recall any particular things that were taken up at that convention?

A. Well, to the best of my memory the main points taken up at that convention was the election campaign, that was a national election year, and the question of working in [fol. 2275] industries and the negro question. There might have been other questions but those are the questions that I remember offhand.

Q. All right, now. Do you recall this discussion that took place around work in the industries?

A. Just how was that question placed?

Q. What I mean by that, what was the intent of the discussion and what do you understand by the way the issue was presented to that convention?

A. Well, what I understand about this particular question, from the way the issue was presented at this convention, the working in industries, because of the fact that the Communist Party was and is a working-class party and it bases itself upon the workers and the workers are found in industry and in order to work among those workers, there must be, as was pointed out at the convention, efforts to get among those workers in industry to bring to them the program of the Communist Party and to work along the lines of improving their conditions.

Q. Well, in the resolution which I would like to show you or the letter that followed up—see whether you know that letter (indicating) that deals with that convention?

The Court: You better have it marked as an exhibit.

[fol. 2276] Mr. Nelson: Yes, sir, I will, as soon as he looks at it.

A. Yes, I remember this letter.

Mr. Cercone: Your Honor, we object to it as heresay.

The Court: I don't know what it is. May I see it, please? Well, before you offer it in evidence we will have to have more of an explanation as to generally what it is and I will then rule on your objection, Mr. Cercone.

Mr. Nelson:

Q. Mr. Careathers, do you know the name William Albertson?

A. I do.

Q. This letter is signed by Mr. Albertson. Who was he?

A. Mr. Albertson at that time was the Secretary of the Communist Party of Western Pennsylvania.

Q. And this letter that was signed by Mr. Albertson on July 26, 1948 refers, does it not, to the July Convention, July 9th and 11th Convention that took place on the North Side in the Carnegie Library, does it not?

A. That is correct.

[fol. 2277] Q. And it briefly sums up some of the points—

Mr. Cercone: I object to what it says; it's hearsay.

The Court: I think you better establish, was there a letter that was generally sent to all the delegates?

Mr. Nelson:

Q. Was that sent out to the delegates?

The Court: Explain what use the letter was put to before you give us the contents of it.

A. This letter was sent out to all of the delegates attending that convention and Executive Committees of Clubs et cetera.

The Court:

Q. Did it have attached to it this agenda of the activities of the convention?

Mr. Nelson:

Q. Do you recall whether or not this was attached to the mimeographed two-page document which refers to the points that were discussed at the convention?

[fol. 2278] A. Yes. This document, which was a memorandum of the points which were discussed, the decisions made and so on at the convention and was attached to this letter when it was sent out.

The Court: I think it's admissible, Mr. Cercone. You have gone into the matter of the activities at that meeting by the witness Mr. Cvetic and if this is documentary evidence of what was done at that meeting and the instructions to the delegates and so forth, I think that the defendant has a right to use it to show the purposes he alleges were of that convention and what their discussions may have been. Objection overruled.

Mr. Nelson:

Q. Do you recall, Mr. Careathers,—you probably can see by refreshing your memory by looking at this letter that it is stated there that the convention discussed steel concentration and concentration on mining, I believe. Is that correct?

A. That is right.

Q. And what others?

A. Steel concentration, mining concentration, negro work.

Q. Now, Mr. Careathers, was this letter sent out through the mail, do you recall, through the mails?

[fol. 2279] A. Yes, it was sent out through the mails.

Q. And incidentally, do you recall how many people were present at that convention, roughly? I know it's hard to remember actual figures, but about how many people would you say were present, roughly?

A. I would say roughly 50 or 60 people, I don't remember exactly.

Q. What is meant by the term "steel concentration" or "mining concentration"? What does that mean? Does that mean what the prosecution witness, Cvetic, said that it meant, to infiltrate the steel industry and electrical in-

dustry to paralyze it and destroy it, in the event of war, as he put it?

A. Well, that doesn't mean that at all.

Q. What does it mean?

A. It didn't mean that at all. By "steel concentration" is meant to concentrate activity among the steelworkers because of the fact, as I said before, that the Communist Party is a working party, a party of the working people, and to work with working people you must get among them; to work with them, improving their conditions, to build the party amongst those workers; to convince them on its program and to also attempt to improve their general conditions of work. Along that line was I mean, was the objective of the question of concentration among steelworkers and the same thing was so with miners; mining, electrical workers, the negro people et cetera.

Q. This convention took place on the North Side this convention that took place on the North side was an open convention where anybody could walk in or where a con- [fol. 2280] vention that delegates who were elected could only attend?

A. Well, it wasn't an open convention where anybody could walk in. Just like a trade union when it has its convention. Delegates are admitted to the convention; that's why it's a convention, that's why you have delegates elected from the various subordinate organizations to attend that convention and they only were admitted to attend the convention.

Q. It was not a secret convention in the sense that no one in town could have found out that it was a Communist convention, was it? I mean, was it secret in the sense that the hall was gotten under some other name or that the authorities didn't know where it was taking place, was it?

A. No. The authorities knew. It was not a secret convention. The authorities knew where it was taking place, as the gentleman—I forget his name, Mr. Seibel—stated here this morning that the convention was held at the Carnegie Library and he stated that he was in charge of the Carnegie Library for the City Government. It's a public library, controlled by the City of Pittsburgh. They have a record when anyone secures this place for a meet-

ing and, therefore, it could not be a secret meeting in the sense of "secret" that you mentioned here.

Q. It was a membership convention or a convention where delegates were permitted to come in, delegates who were elected but it was not open to anybody in that sense of [fol. 2281] the word?

A. Well, it was not open to—the fact of it was that it was not open to all of the members of the Party, only the delegates who were duly elected.

The Court:

Q. Were you a delegate from what group, Mr. Carathers? You said you were a delegate. Did you represent a group within Western Pennsylvania, is that it?

A. Oh, yes, Western Pennsylvania.

Mr. Nelson:

Q. Have you heard me make a speech at that convention?

A. Yes.

Q. Do you recall any of the substance of the talk I made?

A. Well, that was pretty far back. I can recall the sense of the talk, that is about the best I can do to the best of my memory at this time. The sense of it was along the line which was stated here on the issues which were taken up, that is the question of working among workers in industry, among the negro workers, and if my memory serves me correctly, I think you dealt with the question of the election campaign which was taking place that year. That is to the best of my memory.

Q. Do you recall or have you heard me at that time or any other time advocate force and violence?

[fol. 2282] A. No, I never heard you advocate force and violence at that time or any other time. I think it would be impossible for you to do so for the following reasons:——

Mr. Cercone: I object to that, your Honor.

The Court: I don't think why it would be impossible——

Mr. Nelson: Your Honor, it might throw some light. This man knows me for quite a few years——

Mr. Cercone: I am going to object to the defendant, through the statement to the jury——

The Court: What he explains through the witness——

Mr. Cercone: If he is going to make any explanation he can explain it at side bar or he can explain what he is going to prove. I think it is unfair——

The Court: Your conclusions, Mr. Careathers, that such [fol. 2283] and such was impossible is not permissible. You must limit yourself to the facts. You can show the conditions present and the jury will draw their own conclusions. You may not express yourself, so far as it was impossible, we will rule that out. If you want to express any conditions that were there or anywhere else we will let you express it as a statement of fact.

Mr. Nelson:

Q. Mr. Careathers, if you would have heard me advocate force and violence, what would you have done as a Communist about it?

Mr. Cercone: That is objected to.

The Court: Objection sustained.

Mr. Nelson: Well, your Honor, Cvetic made some remarks there that every time I opened my mouth I talked about overthrowing the Government. Now, here you have a witness who is not getting $34.00 a day for lying.

The Court: Mr. Cvetic said—he was permitted to say: [fol. 2284] "If he heard murder mentioned, he would have done something about it." All right, in fairness to the defendant, that was asked of other witnesses and you may answer.

A. On that question of what I would have done, and I imagine many others, I would have been supported in the action: I would have preferred charges for your expulsion from the Party.

Mr. Cercone: Your Honor, may we have a side bar on this?

The Court: Yes, come forward.

(At side bar.)

Mr. Cercone: The question of advocating murder, murder of any individual was not mentioned in the testimony

in chief and in no part of our case was that brought out. It was brought out in cross-examination and that doesn't make it any part of the issue.

The Court: Well, I suppose that is true on cross-examination, when he was interrogated but.

[fol. 2285] Mr. Cercone: We didn't contend that.

Mr. Nelson: Well, your Honor, the prosecution's main case rested on statements made by Cvetic and this man was present at some of those meetings.

The Court: He is allowed to say anything that you said or did. The only thing is that we are getting into the realm of conjecture.

Mr. Nelson: All right. If I go off sometime——

The Court: We'll give you leeway. We will not rule out the answer but limit yourself from conjectures or conclusions on the part of the witness. I overlooked the fact that it was on cross-examination when solicited. Therefore it is admissible.

(End of side bar.)

[fol. 2286] Mr. Nelson:

Q. Have I at any time advocated terrorism or suggested physical attack on any government official?

A. Absolutely not.

Q. What is the Communist position on terrorism, Mr. Careathers?

Mr. Cercone: That calls for an opinion, your Honor.

The Court: Well, insofar as this man is a member of the Communist Party and within the limits of his knowledge, I think that that is permissible. He was a member for a good many years in Western Pennsylvania. He may not be qualified to give the national policy but we will let him answer insofar as the range of his knowledge permits him.

A. Well, the Communist's position on terror and even advocacy of terror is not permissible in the Party and anyone who resorts to that or attempts to provoke that or have discussions on that, they are, if they insist on that position, they are expelled from the Party.

Mr. Nelson:

Q. Why is that?

[fol. 2287] A. Well, that is so because of the fact that the Communist Party bases itself on winning the support of the masses through persuasion, convincing through its program of improving conditions and so on and this cannot be done through terror.

Q. Now, Mr. Careathers, have you, at any time, held any kind of a position in the trade union movement of Western Pennsylvania?

A. Yes, I have.

Q. And what was that position that you held in the trade union movement?

A. I was a member of the organizing staff of the steelworkers organizing committee of the CIO during the period of its organizing and the establishing of the United Steelworkers of America. That was during '36, I believe —'36 and '37.

Q. What was your particular function there? You said you were a member of the staff. Does that mean you were an organizer of the steelworkers organizing committee, is that it?

A. Yes. I was an organizer on the staff of—

Q. Here in Western Pennsylvania?

A. In Western Pennsylvania.

Q. What particular area did you cover?

A. I covered Pittsburgh proper, Aliquippa, Pennsylvania, and Midland, Pennsylvania. In addition to that I was sent to cover certain other places at specific meetings.

Q. You spoke at the meeting for the CIO?

A. I spoke at meetings for the CIO.

[fol. 2288] Q. Who was your immediate superior?

Mr. Cercone: We object to going into the history.

Mr. Nelson: It will be brief.

The Court: I don't know what you expect to prove by this. If Mr. Cercone wants an offer—you better make an offer to see what the purpose is.

(At side bar.)

Mr. Nelson: Well, your Honor, I think it's very obvious what I want to prove and I think it's legitimate. I want

to show that this man is known as a Communist and that he was active in all these committee organizations; that the claim is that we Communists hide our purposes; the claim is that we are working secretively; that we don't admit our membership and that we work in some underground fashion is not true.

The Court: Well, that is all right. What has his su[fol. 2289] perior in the CIO got to do with it?

Mr. Nelson: Just a question or two, whether they knew he was a Communist. I think it's legitimate. The claim is here that we deny and hide. My contention is that we do. We have to get a job and you would never get a job in any place. Where it's possible to admit, we do.

The Court: Do you object to that?

Mr. Cercone: I object.

The Court: For what reason?

Mr. Cercone: Well, in the first place, I think it's irrelevant.

The Court: Well, secrecy is involved.

Mr. Cercone: I mean it's not a Communist meeting, just——

The Court: Well, his activities in labor, whether they [fol. 2290] are secret or announced; his capacity and affiliation, that has something to do with this case. As far as leaders are concerned, that doesn't—I'll limit you in bringing out names, I think I will limit you on that.

Mr. Nelson: No names?

The Court: No names. You may ask him other questions.

(End of side bar.)

Mr. Nelson:

Q. Mr. Careathers, was it known to your immediate superior, and we are not interested in names, that you were a Communist?

A. It was known.

Q. When you worked in the CIO?

A. It was known. They discussed that question with me before employing me.

Q. In other words, you were known as a Communist be-

fore that to the public generally and when they hired you, they discussed that matter?

A. They discussed that matter. They asked me whether or not I was known as——

[fol. 2291] Mr. Cercone: That conversation is objected to.

The Court: We will eliminate the conversation.

The Court:

Q. They knew?

A. They knew.

Q. They hired you with that knowledge?

A. That is right.

Mr. Nelson:

Q. And I take it in that period when you worked for the CIO and on the organizing drives, that other Communists did likewise; is that right?

A. Yes.

Q. And I presume you did quite a lot to get workers in the Union while you were working on that job; is that right?

A. I did quite a lot.

Q. Pardon?

A. I did quite a lot. It's very well known throughout the whole valley of workers whom I brought into the Union.

[fol. 2292] The Court:

Q. That was the purpose of your employment, to organize, to secure members?

A. That is right, to secure members for the Union.

Mr. Nelson:

Q. Now, since you have been active in negro organizations and since you are a negro yourself, I presume you understand the Communist's position on the negro question, do your not?

A. I am acquainted with the Communist's position on the negro question.

Q. What was the activity of the Communist Party of Western Pennsylvania during the period of the indictment, in relation to the negro question?

A. Well, with the negro question, like with the trade union question, the activity of the Communist Party was to deal with the many conditions that the negro people suffered, the negro people face. To work towards the improving of those conditions; against the discrimination of negroes in industry, on public works, City, County and State; against the discrimination against negroes and public facilities, parks, swimming pools and places of that kind. That could be stretched out further because of the special circumstances under which the negro people live in Pittsburgh, which made that one of the main principles and programs of the Communist Party to work towards improv- [fol. 2293] ing this condition of the negroes, these conditions of the negro people.

Q. The prosecution's witness, Cvetic, stated that the Communists used the negro people for its own purposes. How do you characterize that statement? How do you find that to square with life as you know it?

A. Well, I would like to elaborate on that question a little bit, just how I understand it. I can walk out in the street here and meet——

Mr. Cercone: I object to any argument by this witness.

The Court: Limit yourself to the facts. You can give your impressions, but you will have to limit yourself in citing examples to demonstrate.

A. It's pretty hard to demonstrate how bitter I feel about this question without giving examples.

The Court: Giving examples is rather argumentative. The question was: Did the Communist Party use negroes for ulterior purposes? You can answer that yes or no. [fol. 2294] Mr. Nelson: You can answer yes or no and then elaborate.

The Court: We will permit some elaboration but as to specific examples, you will have to be limited on that.

A. Well, I can answer that question in the negative, no, and I'd like to—well, I'm limited here.

Mr. Nelson:

Q. You can give your opinion, as I understand the rule.

The Court: You can give your opinion and you can ask him further.

A. My opinion on that question springs from an extreme position of white chauvinism; that negroes are boys; they are fools; they can't think for themselves; they can't decide and, therefore, anyone can come along and use them. Well, I resent that statement very much that they are used. The answer to this is, no.

Mr. Cercone: Your Honor, that is objected to because it wasn't stated here at all and this is just an observation [fol. 2295] that is not based on any issue.

The Court: I think the reason for the witness's answer in the negative, I think was expressed by another witness, the doctor from Columbia. I think he expressed the same thing, so he was permitted to do so and this witness may do also.

Mr. Cercone: You mean from the Jefferson School of Social Science?

The Court: Yes, from Columbia, who is now a teacher at the Jefferson School.

By Mr. Nelson:

Q. Now, you used the words "white chauvinism". What did you mean by that, Mr. Careathers?

A. I mean by that an expression of racial superiority by white people over other people, especially the negro people. I don't know whether this answer is understood or not, without going into——

The Court: I think it was explained by other witnesses [fol. 2296] and inasmuch—if that is what you mean, the same thing, I think it is properly understood by the jury as meaning white superiority or attitude; the attitude of the white over the negroes.

A. That is correct.

By Mr. Nelson:

Q. Mr. Careathers, while you were active here in the Pittsburgh area, during the period covered under the indict-

ment, did you issue an open letter to the people of Pittsburgh or the people of the Hill District bearing your signature?

The Court: Isn't that already in evidence?

Mr. Nelson: No, I don't think that the witness identified it. He looked at it, Cvetic looked at it, but didn't identify it until I offered it, but he claimed he didn't see it.

The Court: We will break now if you want to check your records on that.

Recess.

[fol. 2297] (After recess.)

Mr. Cercone: May we come to side bar?

The Court: Come forward, gentlemen.

(At side bar.)

Mr. Cercone: Your Honor, of course, when this witness first took the stand I didn't get the general idea of what was being done here but they are putting the defense of Nelson in indirectly, what Ben Careathers did in any way as a member of the Communist Party. He could be a member of the Red Cross, what difference is that?

The Court: He testified what Steve Nelson didn't do.

Mr. Cercone: He is telling us what he did. He is not on trial. I mean, we are not trying him. He seems to be doing indirectly what he can't do direct[ly].

[fol. 2298] The Court: He is telling his qualifications, what he did.

Mr. Cercone: This time he worked for the Doctor and wasn't the time when he knew Steve Nelson.

The Court: Well, he is not going on with activities in the past. That was to show that at that time there was no secrecy. Now, what is pertinent here is whether there was secrecy during the period of the indictment.

Mr. Nelson: That's right, we're coming to that.

The Court: You limit it to that and this witness may continue to testify along that line.

Mr. Cercone: That's all right.

Mr. Nelson: If your Honor is worrying about the time, [fol. 2299] I am trying to be as brief as I can with this witness. I am not trying to delay.

The Court: I am not concerned with time.

Mr. Cercone: There are no charges about delay.

The Court: The only thing we are interested in is proceeding expeditiously and with no unnecessary delay. You will have an ample opportunity to present your defense in the fullest way possible. All right, try to limit the matter in accordance with your understanding.

(End of side bar.)

Mr. Nelson:

Q. Now, during the activity covered by the indictment, Mr. Careathers, did you, as part of the leadership of the Communist Party in this district of which I was part, to put out this Exhibit A-1 of the defendant, a leaflet addressed to the negro people of the Hill by yourself?

A. I did.

[fol. 2300] Q. What is the main appeal in this leaflet, Mr. Careathers? Just the points, sum them up briefly, if you don't mind.

A. I opened with this statement, addressed to the negro people in the Hill District with these words: "The time has come for all of us to take stock of what we face in the immediate future." And than I go on further—I'll just read another paragraph to you to show what it deals with and then I will read some of the conclusions: "Up until recently most of us have had jobs and have been getting wages. True, for those of us who are negroes the jobs were seldom good ones and our wages were not adequate to meet the needs of our families. We suffered discrimination on the jobs; the bosses refused to upgrade many of us"——

Mr. Cercone: We object to the reading of the letter as secondary evidence, not the best evidence; we have the witness on the stand.

The Court: It is a self-serving statement but I will permit it to be offered.

A. I wouldn't read the whole statement but this is indicative of the position of the Communist Party and incidentally, I might say here, before issuing this, after drafting it, I discussed it with Steve Nelson whom I was

[fol. 2301] closely associated with at that time. "Further, we had the dirtiest and hardest work in the plants. Over the years we fought against these conditions and won many important gains for the negro people."

Now, I could go over all of this but this is indicative of what I dealt with in the letter and the conclusions I wish to state here—I will read it in a minute. "Big business is opposed to the program, to this program, because it would cut into their profits. They fear the unity of negro and white fighting to win these demands. They tried to frighten the negro and white workers so that they will not unite nor fight. They want to keep the negroes and the white workers in his place so they, first, frame up six Communist negro men in Trenton on a murder charge; second, they sent Mrs. Rose Ingram and two of her sons to prison for life because they dared to defend her honor against a white rapist; third, sent seven negro men——"

Mr. Cercone: That is objected to as all hearsay.

A. This is not hearsay, this is facts.

Mr. Cercone: Just a minute.

The Court: Just a minute.

[fol. 2302] Mr. Nelson: Why say hearsay?

The Court: It is hearsay unless the witness was present and knows what was going on, these things that he is reciting, so that as far as the truth of the statements are concerned, this witness is not in a position to affirm those statements as being truthful. He is drawing conclusions, I suppose, and they are his own opinions and own conclusions, and I think the jury understands.

Mr. Cercone: Yes. I just wanted to get that point.

A. There is one I am acquainted, that I can vouch for because I participated in. Refused negroes the right to use the Highland Park Swimming Pool and frame a white worker, Nathan Alberts, who supported the rights of the negro people on a charge of inciting to riot."

The Court: Of course, that is your conclusion on that matter because I tried the case of Nathan Alberts and he was not charged with discriminating or presenting discrimination.

[fol. 2303] He was charged with inciting to riot.

A. That's what I said there.

The Court: That's your impression and your opinion on it, as long as the jury understands.

Mr. Nelson:

Q. It's true, is it not, Mr. Careathers, that the hoodlums who in this case attacked the police officer in Highland Park were freed in this Court, isn't that true?

A. That is true.

Q. Who attacked the negro people that wanted to swim in there, isn't that true?

A. That's right.

Mr. Cercone: We object.

The Court: If you want the truth and now that the facts have been mentioned, they were freed by a jury, weren't they?

A. That's right. That's what I understand.

[fol. 2304] Mr. Nelson:

Q. And Nathan Alberts, the man you say was framed, was a Westinghouse worker, isn't that right?

A. That is correct.

Q. And he was at the scene to report the situation there to his paper, the Westinghouse Workers paper which was supporting the fight against the discrimination, isn't that right?

A. That is correct.

The Court:

Q. Well, why do you say that is correct? Did you testify to that at the trial, Mr. Careathers?

A. I didn't testify at the trial.

Mr. Nelson:

Q. But you know the facts? You were interested—

The Court:

Q. Were you present at the trial?

A. I wasn't present at the trial.

Q. How do you know that Mr. Alberts said that he was a representative of the Westinghouse newspaper?

A. I don't know what he said at the trial but I do know he said that, however.

[fol. 2305] Mr. Nelson:

Q. And because he thought that it was wrong to discriminate against negroes, it is your opinion, is it not, Mr. Careathers, that that man was sent to the County Workhouse for 23 months; isn't that right?

Mr. Cercone: We object.

The Court: The objection is sustained. We are not going to re-try him or go into criticism of the Court or the sentence. However, now that you mentioned the sentence, the sentence was imposed by me.

Mr. Nelson:

Q. Now, Mr. Careathers, there are other such leaflets that you distributed, was there not? Leaflets that you participated in preparing?

A. There were.

Q. I show you here a Steelworkers' Sparks of June, 1949, Vol. 1, No. 5, and see if you recognize the article on the front page dealing with the issue of discrimination against negro workers in the steel industry?

A. I do, I recognize the article.

Mr. Nelson: Let's have it identified.

[fol. 2306] Mr. Cercone: Your Honor, we object to that as being based upon opinion and hearsay and, therefore, not admissible.

Mr. Nelson: Just one article on the front page, I want to call your attention to, your Honor. It would take too long to enter the other material.

The Court: You are objecting to this, Mr. Cercone?

Mr. Cercone: Yes, your Honor.

The Court: Well, I am going to permit that also; objection overruled, exception noted.

Mr. Nelson:

Q. Mr. Careathers, I believe you already mentioned that you were active on various councils and committees which

raised the question of discrimination in various industries. That article there, in that Steelworkers' Communist publication, raises that question, does it not, pertaining to the steelworkers and the particular union which we are not going into?

A. Yes, it raises that question.

[fol. 2307] Q. And the idea of the Communists in that union, between the negro and whites, was to advance that fight to convince the workers that it was wrong for them to discriminate against each other.

A. That was the duty of the Communist Party in that union, both negro and whites and incidentally, I might state here that the position of the Communist Party was that this was not only a question which degraded and hurt negroes in the union, but it degraded and hurt white workers as well and, therefore, it was to the interest of all workers to fight against this kind of a thing, this kind of discrimination.

Q. Did it ever occur in the period covered in the indictment here, in your experience, that there may have been some white Communists who were reluctant to advance that fight?

A. Oh, yes, that occurred; that there were some white Communists who just come into the Party, had not had an opportunity to learn and understand its program and as such, were against this kind of a fight, against the discrimination.

Q. What was the position of the Party towards them, towards these individuals?

A. The position of the Party towards such individuals was to explain this question to them; the effect of that kind of a policy upon the negro people, the negro workers, as well as the white workers and try to convince them of their own position on this and improve them on this question. There have been instances of where that cannot be [fol. 2308] done with a particular white worker and if he absolutely refused to understand this policy, he was expelled from the Party.

Q. And the charge in that case would have been white chauvinism?

A. White chauvinism, that's right.

Q. You were active in that period, along with myself and others, in other phases of work besides the specific fields that you were particularly acquainted with, the negro field, weren't you, Mr. Carcathers?

A. That is correct.

Q. Do you recall whether or not the Party in that period campaigned to veto the Taft Hartley law? Do you recall a leaflet put out "Make the Veto Stick"?

A. Might I just see that to refresh my memory?

Q. Yes, and it will be marked as an exhibit.

Mr. Cercone: This is objected to as a self serving declaration, your Honor.

The Court: Objection overruled, exception noted.

Mr. Nelson:

Q. You are acquainted with that leaflet, Mr. Carcathers, are you? "Make the Veto Stick", an appeal to workers to write to their Congress, is that right?

[fol. 2309] A. Yes, I am acquainted with that.

Q. Or to write to President Truman?

A. I am acquainted with that.

Q. What does that leaflet urge the people to do?

A. This leaflet was issued after the passage of the Taft Hartley Law by Congress and before it became law or before the President of the United States had signed it, making it law, this leaflet calls upon the people to express themselves to their Congressman, to write to the President of the United States, urging him to veto this law or to make the veto stick, which President Truman vetoed that law and that was urging the people and Congress and so on to make the veto stick; to keep this infamous anti labor legislation from becoming the law of the land.

Q. And that was one of the activities of the Party here in the Pittsburgh area, was it?

A. That was one of their activities; the issuing and distributing of that leaflet.

Q. And writing to Congressmen urging them to uphold the veto; is that correct?

A. That is correct.

Q. Now, I show you a leaflet issued by the Communist

Party of Western Pennsylvania relative to the steel strike of 1948. Do you recall this particular leaflet?

[fol. 2310] The Court:

Q. What is the heading?
A. "Support the steel strike".

Mr. Nelson: Before you read the leaflet, let me show it to Mr. Cercone.

Mr. Cercone: This is objected to for the same grounds.

The Court: Objection overruled, exception noted.

Mr. Nelson:

Q. This leaflet is a reprint of a statement by Mr. William Z. Foster, is it not?

A. That is correct. A reprint of a statement by William Z. Foster which appeared in the Daily Worker, October 4th.

Q. Do you recall what the main appeal of that leaflet is with regards to the steelworkers strike, what the main import of it is? If you don't remember——

A. I remember the leaflet but I'd have to refresh my memory a little bit——

The Court: The exhibit will speak for itself.

[fol. 2311] A. On the main import.

Mr. Nelson: Will you mark this for identification?

Mr. Cercone: The same objection.

The Court: Objection overruled. Exception noted.

Mr. Nelson:

Q. See whether you know, Mr. Careathers, whether that leaflet was put out by the Party here, dealing again with the steelworkers strike?

A. I remember the leaflet.

Q. And that was generally the practice of the Party, was it not, Mr. Careathers, that during the strike of various workers, irrespective of what union members were, as long as it was a legitimate beef with the employer, they were supported by the Communist Party, is that right?

A. That is right.

The Court: Really, you are speaking into the mouth of the witness.

Mr. Nelson: Well, you will have to excuse me. This [fol. 2312] witness, I don't have to speak into his mouth, your Honor.

The Court: Let him give the policies himself.

Mr. Nelson: He can speak for himself very well. I was trying to make it brief.

The Court: It's another way of saying it's a leading question and objectionable. Rephrase it.

Mr. Nelson:

Q. Mr. Careathers, please indicate what the position of the Communist Party was towards this particular strike?

A. The position of the Communist Party in this particular strike was to support the Union, the workers in the Union in their demands and it was done openly and these leaflets were delegated by proper authority and so on, as on questions like this.

The Court:

Q. Did you ever advocate settlement of a strike?

A. Did I ever advocate settlement of a strike?

Q. Yes.

[fol. 2313] A. Of course.

Q. Does any of those pamphlets deal with settlements?

A. They deal with achieving the demands of the workers, which would be equivalent to settling the strike had they been successful in doing that.

Mr. Nelson:

Q. Now, I show you defendant's Exhibit A-6 and see whether you know the contents of that leaflet?

Mr. Cercone: That same objection to that exhibit, your Honor.

The Court: Objection overruled. Exception noted.

Mr. Nelson:

Q. Now, I show you this leaflet which reads: "Storm trooper attacked on North Side Communist meeting.

threatens rights of every American.". Do you remember that leaflet?

A. I remember this leaflet.

Q. What was the occasion for it, for the issuing of that leaflet, do you know, by the Communist Party of Western Pennsylvania?

A. Yes, sir.

Mr. Cercone: That is objected to unless the witness was [fol. 2314] present.

Mr. Nelson:

Q. Were you present?

A. I was present at the meeting.

Mr. Nelson:

Q. Were you present?

A I was present at the meeting.

Q. And do you remember very well that you were present?

A. I remember very well that I was present. I can't forget that.

Q. What was the occasion for the putting out of that leaflet?

A. The occasion for putting out that leaflet followed an open public meeting held at the North Side Public Library by the Communist Party and this meeting was attacked by hoodlums in an attempt to really prohibit the holding of this meeting, which was held in the open, public fashion, that the Communist Party held meetings to bring its message to the people. The people were stoned, even a policeman was stoned by the hoodlums surrounding this meeting and so on, and it was attacked openly without, and the hoodlums were not prohibited in their attack by the police officers at that particular meeting and this leaflet, following the meeting, was put out to call to the attention of the people of the City of Pittsburgh the source of the force and violence which the Communist Party often is accused of, which it came from the other source. That was an outstanding instance of this. I attended that meeting and this leaflet was issued for the purpose of calling to the atten

tion, as I said, for the people of Pittsburgh to what was going on.

[fol. 2315] Q. Now, Mr. Careathers, do you know of the Communist Party of Western Pennsylvania during that period that we speak of now; did it take up other issues, such as taxation in Allegheny County or the City of Pittsburgh?

Mr. Cercone: That is objected to as not being within the period of the indictment.

The Court: Objection overruled. Exception noted.

A. Yes, the Party took up such issues as taxation and other issues affecting the people.

Mr. Nelson: Will you mark this?
Mr. Cercone: The same objection.
The Court: Objection overruled.
Exception noted.

Mr. Nelson:

Q. Mr. Careathers, I show you now Exhibit A-7 and see whether you recognize this as being a statement prepared by the Communist Party to a body here that was discussing [fol. 2316] the matter of taxation in the City of Pittsburgh?

A. Yes, I recognize this; I remember this.

The Court: May I see it?
Mr. Nelson: Will you mark this?

Mr. Nelson:

Q. Do you recall what the main appeal there is? What is the proposal of the Communist Party regarding the matter of taxation in the City of Pittsburgh or Allegheny County?

A. I would have to read this to refresh my memory.

The Court: I think it is addressed to Council on various tax questions, amusement tax.
Mr. Nelson: That is correct.

Mr. Nelson:

Q. Do you recognize this as a document of the Communist Party dealing with that question?

A. Yes, I participated in the drafting of the leaflet but it was some little time ago. Although the question was raised, I don't remember.

[fol. 2317] The Court:

Q. Anyway, it was addressed to City Council?

A. That is right. City Council was discussing taxes at that time.

Mr. Nelson:

Q. Do you recall a leaflet which I show you, "An open letter from Ben Careathers," Exhibit A-8?

A. I recall it. I recall this leaflet.

Q. What was the occasion for putting out this leaflet, Mr. Careathers?

A. I drafted this leaflet as an open letter to Judge——

Mr. Cercone: I want to object. Have you seen it, your Honor?

The Court: No.

Mr. Cercone: I think it should have been confronted when the witness was on the stand, when Judge Musmanno was on the stand, and I think he should have asked him about it then and given him an opportunity to explain it.

The Court: Well, this would indicate that it is a published communication on a personal basis to Judge Mus-
[fol. 2318] manno and does not indicate to me that it is such a public gesture or policy that is undertaken for the benefit of any particular group. I don't think that it is admissible, Mr. Nelson, any more than if I write a letter to the Pittsburgh Press or give a mimeographed copy of a letter I address to someone else. It doesn't indicate——

Mr. Nelson: May I ask whether the man wrote the letter?

The Court: You may ask whether he wrote the letter or not but I can't accept it into evidence because it is too much of a personal nature between this witness and the other witness mentioned.

Mr. Nelson: Well, it has a bearing on this case, your Honor.

The Court: You will have to come forward and tell me how it has a bearing on the case.

(At side bar.)

[fol. 2319] Mr. Nelson: Your Honor, Mr. Careathers was in the office of the Communist Party in the Bakewell Building when Judge Musmanno appeared. I think Judge Musmanno testified to that, and they had a conversation relative to the purpose of Judge Musmanno's trip and Mr. Careathers told him what he thought was wrong with that, of that type of an attack on an individual because of political belief and the contents in this letter were distributed by the thousands——

The Court: That is argument——

Mr. Nelson: And also appeared in the newspapers of the Worker, the same article, so it wasn't a thing that was not known as a matter of public knowledge.

The Court: It is not a question of being known. It is the expression of this one witness rather than the statement of anything that may be of use to this jury. Now, anything that was said in that by this witness can be expressed by him here, if he wants to, if there is anything [fol. 2320] relevant concerning that witness, whether it is addressed to Judge Musmanno or not.

Mr. Nelson: You mean I can ask questions about——

The Court: You can ask questions, as you have been permitted to do, concerning the policies or action taken by the Communist Party over there and I have given your great leeway to tell what you have done but this is too much of a personal nature, expressing the thoughts of Ben Careathers towards Judge Musmanno and he can express them here if he wants; if there is anything relevant concerning that witness but not what he wrote sometime ago.

Mr. Nelson: One more thing, your Honor. I want to tell the Court, that I was denied the opportunity to go through other leaflets that are in possession of the prosecution. Last Sunday I finally managed to get an hour in with Mr. Cerrone but he wouldn't let me look at the stuff. [fol. 2321] He asked me what I wanted. There is a file of material that no man can remember exactly what there is in it and I know there are very important things that would have a bearing on the issues here and I was denied access to them.

Now, I know that during the last trial the attorneys in the case were able to look over the material and pick out